

**A PUBLIC HEARING AND REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
5:30 P.M.**

**Tuesday, August 1, 2023
Ladysmith Seniors Centre
630 2nd Avenue**

Pages

1. CALL TO ORDER

Call to Order 5:30 p.m. in Open Session, in order to retire immediately into Closed Session.

Members of the public are welcome to attend all Open Meetings of Council, but may not attend Closed Meetings.

2. CLOSED SESSION

Recommendation

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session in order to consider items related to the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position.

3. OPEN MEETING AND ACKNOWLEDGEMENT (6:00 p.m.)

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the traditional, unceded territory of the Stz'uminus First Nation.

Members of the public may attend meetings in person at the Ladysmith Seniors Centre or view the livestream on YouTube:

<https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured>.

4. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for August 1, 2023.

5. PUBLIC HEARING

“Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2146”

Subject Property: 624 John Wilson Place (Lot 11, District Lot 103, Oyster District, Plan EPP98461) (PID: 031-374-239).

5.1 Outline of Public Hearing Process - Mayor Stone

5.2 Introduction of Bylaw and Statutory Requirements - Planner, Development Services

5.3 Submissions

5.4 Call for Submissions to Council (Three Times) - Mayor Stone

5.5 Declaration that the Public Hearing for Bylaw No. 2146 is Closed - Mayor Stone

6. BYLAWS - OFFICIAL COMMUNITY PLANNING AND ZONING (SUBJECT OF THE PUBLIC HEARING)

6.1 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2146”

Recommendation

That Council proceed with third reading and adoption of “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2146”.

7. RISE AND REPORT- Items from Closed Session

8. MINUTES

8.1 Minutes of the Regular Meeting of Council held July 18, 2023

7

Recommendation

That Council approve the minutes of the Regular Meeting of Council held July 18, 2023.

9. DELEGATIONS

9.1 Pamela Bendall - Bayview Street Corridor

12

Blackberry and invasive growth encroachment on property.

10. DEVELOPMENT APPLICATIONS

10.1 Development Variance Permit 3090-23-01– Block C, District Lot 2054 and District Lot 2061 19

Recommendation

That Council issue Development Variance Permit Number 3090-23-01 for 1251 and 1261 Rocky Creek Road and 901 Gladden Road (Block C, DL 2054, Cowichan District, Plan EPC721; and DL 2061, Cowichan District, Plan 3TU1959; Crown Lease #114642) to vary section 16.2.5(a) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to increase the maximum allowable height of boathouses to 12.0 metres in the area specified in the permit.

10.2 Development Variance Permit 3090-23-04 – 1221 Rocky Creek Road, 101 Gladden Road 41

Recommendation

That Council issue Development Variance Permit Number 3090-23-04 to vary section 12.3.5(d) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to reduce the minimum parcel line setbacks from 3.0 metres to 0.0 metres for the construction of two kilns at District Lot 104, Oyster District, Except Part in Plan 398 RW, PID: 009-450-068 (1221 Rocky Creek Road); Lot 528, Cowichan District, PID: 009-596-542 (1221 Rocky Creek Road); and District Lot 128, Cowichan District, PID: 009-450-092 (101 Gladden Road).

10.3 Development Variance Permit 3090-22-17 & Development Permit Application 3060-22-20 – 416 South Colonia Drive 54

Recommendation

That Council:

1. Issue Development Variance Permit 3090-22-17 to vary section 10.11.5 (a) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to increase the maximum height of a proposed two-unit dwelling from 10.0m to 11.8m at 416 South Colonia Drive (Lot 14, Block 192, District Lot 103, Oyster District, Plan EPP117682; PID: 031-754-996); and
2. Issue Development Permit 3060-22-20 to allow construction of a two-unit dwelling at 416 South Colonia Drive.

11. REPORTS

11.1 2023-2027 Town's Auditor 145

Recommendation

That Council award the External Audit Service RFP #2023-FS-01 to MNP and appoint MNP as the Town's auditor for the year-ends 2023 through 2027.

11.2 CVRD Regional Planning 147

Recommendation

That Council, in response to the Cowichan Valley Regional District's April 28, 2023 letter seeking input on the potential establishment of a regional planning service, request further information on:

- a. Proposed funding mechanisms;
- b. Proposed projects to be undertaken within the first five years of establishing the planning service; and
- c. Whether or not the proposed regional planning service would be tasked with developing a Regional Growth Strategy.

11.3 Infrastructure Services Equipment Changes and Procurement Requests 160

Recommendation

That Council direct staff to:

1. Amend the 2023-2027 Financial Plan to include \$10,000 for the purchase of scaffolding equipment, with the funds to come from prior year surplus;
2. Amend the 2023-2027 Financial Plan to include \$12,000 for the purchase of a passenger truck, with the funding to come from the proceeds of the sale of the Unit 239 Dump Truck; and
3. Utilize Canoe Procurement Group to source the purchase of the Parks Tractor and the Streets Sweeper.

12. BYLAWS

12.1 Bylaws for Adoption 163

The September 6, 2022 staff report is attached to provide background information regarding the Town's requirements prior to adoption of Bylaw Nos. 2106 and 2107.

12.1.1 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106" 182

(Amendment to the Official Community Plan related to Lot 5 Holland Creek)

Recommendation

That Council adopt "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106".

12.1.2 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107" 187

(Amendment to the Zoning Bylaw related to Lot 5 Holland Creek)

Recommendation

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107".

12.2 Bylaw Status Sheet 192

13. NEW BUSINESS

14. QUESTION PERIOD

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during "Question Period" must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- Questions shall be addressed through the Chair and answers given

likewise. Debates with or by individual Council members or staff members are not allowed.

- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

15. ADJOURNMENT



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, July 18, 2023

6:33 P.M.

Ladysmith Seniors Centre
630 2nd Avenue

Council Members Present:

Mayor Aaron Stone
Councillor Ray Gourlay
Councillor Tricia McKay

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Council Members Absent:

Councillor Amanda Jacobson

Staff Present:

Allison McCarrick
Chris Barfoot
Jake Belobaba
Ryan Bouma

Trish McConnell
Matt O'Halloran
Sue Bouma

1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 6:33 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2023-180

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session in order to consider items related to the following:

- (c) labour relations or other employee relations.

Motion Carried

3. OPEN MEETING AND ACKNOWLEDGEMENT (7:00 P.M.)

Mayor Stone called this Regular Meeting of Council to order at 7:00 p.m., recognizing with gratitude that it was taking place on the traditional, unceded territory of the Stz'uminus First Nation.

4. AGENDA APPROVAL

CS 2023-181

That Council approve the agenda for this Regular Meeting of Council for July 18, 2023, as amended to include the following changes:

- Item 10.1., "Council Procedure Bylaw 2009, No. 1666, Amendment Bylaw 2023, No. 2153" – add Bylaw No. 2153 to the agenda package and replace Consolidated Bylaw No. 1666 with a version showing red line edits; and
- Item 10.2., "Single Use Plastics Bylaw 2023, No. 2154" - Remove Bylaw No. 2154 from the agenda due to the Province's recent "Single-Use and Plastic Waste Prevention Regulation" announcement.

Motion Carried

5. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 6:37 p.m. without report.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held July 4, 2023

CS 2023-182

That Council approve the minutes of the Regular Meeting of Council held July 4, 2023.

Motion Carried

7. DEVELOPMENT APPLICATIONS

7.1 Development Variance Permit Application – 447 Thetis Drive

CS 2023-183

That Council issue Development Variance Permit 3090-22-10 to vary section 6.7 (a)(i) of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" to allow a Bed and Breakfast at 447 Thetis Drive (Lot 7 District Lot 52 Oyster District Plan VIP86055) to be operated by a residential tenant who lives on the property on which the Bed and Breakfast is located.

Motion Carried

OPPOSED: Councillor Stevens

8. COMMITTEE MINUTES

8.1 Committee of the Whole Recommendations - July 11, 2023

CS 2023-184

That Council:

1. Approve the Financial Plan Policies and Objectives document as presented in Attachment B of the July 11, 2023 report from the Director of Financial Services.
2. Direct staff to return to a Council meeting in the near future with suggestions for an update to the Permissive Tax Exemption Policy.
3. Remove the Frank Jameson Bursary from the Grant in Aid process and instead annually fund the Bursary of \$1,500 from the general operations budget starting in 2024, and confirm that the Santa Parade, put on by the Ladysmith Fire Rescue members, be included in the Fire Department operations budget starting in 2024.
4. Approve the amended Grant in Aid Policy 05 1850 A as presented in the report by the Director of Financial Services dated July 11, 2023, with the following change:
 - reduce the maximum funding request per organization, as outlined in item 8 of the policy, to \$10,000.
5. Approve the Town of Ladysmith Civic Recognition Policy as presented.
6. a) Endorse the Brown Drive Park Plan as presented; and
 - b) Direct staff to include Phase 1, as described in the Brown Drive Park Plan, including up-to-date costing, with 2024 capital items for Council's consideration.
7. Make the following amendments to the Corporate Flag Protocol Policy No. 01-0340-A:
 - Remove the condition for half-masting upon the death of a current Town employee by deleting "when their death has occurred as a direct result of performing their duties" from the second bullet of item 2.2; and
 - Add new wording under section 3.9 that states the following:
 - a. Stz'uminus First Nation Flag to be flown permanently at City Hall; and

- b. Every Child Matters Flag – to be flown September 1-30, at Transfer Beach under the Stz'uminus First Nation Flag.
 - 8. Direct staff to return to a future meeting of Council with data regarding speed and traffic issues at school zone crosswalks.
 - 9. Direct staff to review the draft Tree Protection Bylaw from 2006 and return to a future meeting of Council with an updated version.
- OPPOSED: Councillor Virtanen

9. REPORTS

9.1 ICET Community Placemaking Funding Program Request – Amphitheatre Enhancement

CS 2023-185

That Council:

1. Include \$50,000 in the 2023-2027 Financial Plan to purchase a saddle-span event tent and shipping container subject to grant funding approval; and
2. Confirm support of staff's application in the amount of \$50,000 to the ICET Community Placemaking Funding Program.

Motion Carried

10. BYLAWS

10.1 "Council Procedure Bylaw 2009, No. 1666, Amendment Bylaw 2023, No. 2153"

CS 2023-186

That Council:

1. Give first three readings to "Council Procedure Bylaw 2009, No. 1666, Amendment Bylaw 2023, No. 2153" as amended to include the following changes:
 - o Item 20.4 – change the total minutes allowed for an individual to ask questions from five minutes to three minutes;
 - o Item 20.5 – include "and address." following "name";
 - o Item 20.6 – delete "or facilitate a response by members of Council or Town staff in attendance."
 - o add Item 20.12 – "Persons wishing to address Council during Question Period must be a Town of Ladysmith resident, a non-resident property owner or the operator of a Ladysmith business.";

- Include additional amendment to Item 11.2 of Bylaw 1666 – delete "Her Majesty the Queen or";
- Include additional amendment to Bylaw 1666 – delete Item 23.5.1 entirely; and

2. Direct staff to give notice accordingly.

Motion Carried

10.2 Bylaw Status Sheet

11. NEW BUSINESS

11.1 “CVRD Bylaw No. 4509 – Fireworks Regulation Service Establishment Bylaw, 2023”

CS 2023-187

That Council advise the Cowichan Valley Regional District that it wishes to be excluded as a participant in the new services establishment conversion bylaw known as "CVRD Bylaw No. 4509 – Fireworks Regulation Service Establishment Bylaw, 2023".

Motion Carried

12. QUESTION PERIOD

A member of the public enquired about the possibility of moving Question Period to the beginning of the meeting prior to Council's decisions.

13. ADJOURNMENT

CS 2023-188

That this Regular Meeting of Council be adjourned at 7:34 p.m.

Motion Carried

CERTIFIED CORRECT

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)















STAFF REPORT TO COUNCIL

Report Prepared By: Julia Tippet, Planner
Reviewed By: Jake Belobaba, RPP, MCIP, Director of Development Services
Meeting Date: August 1, 2023
File No: 3090-23-01
RE: Development Variance Permit – Block C, District Lot 2054 and District Lot 2061

RECOMMENDATION:

That Council issue Development Variance Permit Number 3090-23-01 for 1251 and 1261 Rocky Creek Road and 901 Gladden Road (Block C, DL 2054, Cowichan District, Plan EPC721; and DL 2061, Cowichan District, Plan 3TU1959; Crown Lease #114642) to vary section 16.2.5(a) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to increase the maximum allowable height of boathouses to 12.0 metres in the area specified in the permit.

EXECUTIVE SUMMARY:

The purpose of this report is to introduce for Council consideration a proposal to vary the maximum height of boathouses for a small area of the Ladysmith Marina from 9.0 to 12.0 metres. Development Variance Permit 3090-23-01 is included as Attachment B.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
2011-245	June 6, 2011	It was moved, seconded and carried that Development Variance Permit 3090-11-02 be approved for District Lot 2061, Lease 0114642 (12335 Rocky Creek Road) to vary the height of boat houses from 9 metres to 11 metres for Dock A and that the Mayor and Corporate Officer be authorized to sign Development Variance Permit 3090-11-02.
2011-246	June 6, 2011	It was moved, seconded and carried that Development Permit 3060-11-12 be issued in order to amend the site plan for Ladysmith Marina Development Permit 3060-06-06, and that the Mayor and Corporate Officer be authorized to sign the Development Permit.

INTRODUCTION/BACKGROUND:

Subject property

The subject property consists of two water lots totaling 8.83 ha in size located at 1251, 1261 Rocky Creek Road/901 Gladden Road (DL 2054 and DL 2061). The subject property is Crown land, leased by the Ladysmith Marina, which is operated by Oak Bay Marina Ltd. The subject property is designated as Marine in “Official Community Plan 2022, Bylaw No. 2200” (OCP), zoned Marina (W-2) under “Town of Ladysmith Zoning Bylaw 2014, No. 1860”, and partially falls within the Maritime (DPA 1) Development Permit Area. The subject properties are zoned for Marina use, which permits boathouses. The marina has seven docks. Docks A, B, and C are used for boathouses/boathouse slips while Docks D, E, F, and G are used as general boat moorage.

Western Forest Products has a Marine Industrial site southeast of the subject property. Adjacent land uses to the south are predominantly Industrial (e.g., automotive servicing and storage facilities). There is a large vacant area abutting the subject properties on the east side that is currently zoned for mixed-use residential development (CD-7). The uplands bordering the water lots (i.e., 1251 and 1261 Rocky Creek Road and 901 Gladden Road) are owned by the Oak Bay Marina Ltd. and zoned for Tourist Services Commercial (C-4). The uplands are primarily used for parking, with a few office and amenity buildings on the site. The subject property borders the Town boundary on the northwest side and the properties to the northwest are within the Cowichan Valley Regional District (CVRD) and are primarily rural/suburban residential.

A map of the subject property is provided in Attachment C.

Background

In January 2005, Oak Bay Marina Ltd. entered into a pre-existing provincial lease agreement dated May 30, 2004, for District Lot 2054. This agreement grants a lease for commercial marina uses, marine service station and boat launching purposes. In 2005, District Lot 2061 was included in the lease agreement through a tenure amendment. The term of this lease agreement terminates on the 30th anniversary of the Commencement Date, May 30, 2034. The lease agreement contains a number of limitations, conditions, and other considerations that the Lessee (Oak Bay Marina Ltd.) must abide by.

A Development Permit was first issued for the subject property in 2006 (File No. 3060-06-06) for the development of Ladysmith Marina that included areas for parking, an administrative building, moorage, boathouses, and paths/walkways. Development Permit 3060-11-12 was issued in 2011 to amend the original Development Permit at Ladysmith Marina issued in 2006 (3060-06-06), updating the subject properties’ site plan to reflect the layout and use of boathouse and moorage areas. Development Variance Permit 3090-11-02 was similarly issued in 2011 to vary the boathouse heights at A Dock (DL 2061) from 9.0 metres to 11.0 metres.

PROPOSAL

The applicant is proposing to increase the height of proposed boathouses at the ends of A Dock and B Dock to accommodate larger recreational power and sail boats. The areas of the proposed height variance are outlined in red on the site plan (Attachment A). Aside from being taller, the

proposed boathouses will have the same visual appearance as the existing boathouses. Minor dock modifications will be made at the ends of the A and B Docks to accommodate the orientation of the new proposed 12.0-metre-tall boathouses.

If approved, DVP 3090-23-01 (Attachment B) will vary section 16.2.5(a) of the Zoning Bylaw to allow boathouse heights of up to 12 meters in the specified areas; a total variance of 3.0 metres. As noted above, DVP 3090-11-02 already allows boathouses with heights of 11.0 metres along the entirety of A Dock.

The applicant's letter of rationale, elevation plans (boathouse design), and a photo of the existing boathouses are provided as Attachments D, E, and F, respectively.

Nothing in the proposed Development Variance Permit would contradict with the requirements of the Provincial Crown Lease and staff have confirmed that the Provincial Lease is valid and in good standing. The Province has signed off on the variance application as noted under 'Intergovernmental Referrals'.

ANALYSIS:

For the reasons outlined below, staff are recommending approval of the proposal.

Official Community Plan

Under the OCP, the subject property is currently designated for Marine use. The Marine designation is intended to provide for many marine-oriented uses, including recreation and pre-existing marinas. The Ladysmith Marina provides boat moorage and shelter, and it contributes to the tourism sector through its marina provisions.

Development Permit Area 1 – Maritime

A Development Permit amendment is not required for this proposal and the adjusted site plan, as the area of the proposed development variance on the subject property is not within the Maritime Development Permit Area (DPA 1) boundary or any other DPA.

Development Permit 3060-11-12 amended the site plan from the original 2006 DP. The previous Development Permit and Development Permit amendment were required because the proposed area of development was within the DPA 1 boundary.

Zoning Bylaw

The subject properties are zoned Marina (W-2) in "Town of Ladysmith Zoning Bylaw 2014, No. 1860". The Zoning Bylaw explicitly permits boathouses in the Marina (W-2) Zone for the subject property under section 16.2.3(c). Under section 16.2.5(a), no boathouse is permitted to exceed a height of 9.0 metres. However, a Development Variance Permit (DVP 11-02) was issued for District Lot 2061 on June 6, 2011, allowing a varied maximum boathouse height of 11.0 metres for the entirety of A Dock. The proposed boathouse height for the Ladysmith Marina at A Dock and B Dock is 12.0 metres, thus requiring a height variance to allow boathouses in the areas identified by the site plan (Attachment A).

Additional Considerations

In summary, the variance proposes a minor increase over the variance previously issued for the subject property at A Dock and is not likely to impact adjacent properties. The proposed variance would enhance marina provisions by providing boat shelter options for larger recreational marine vessels.

ALTERNATIVES:

Council can choose to:

1. Refuse issuance of the Development Variance Permit.
2. Defer consideration of the application and refer the proposal to a subsequent meeting of Council.
3. Amend the conditions of the proposed permit and approve the issuance of the permit as amended.
4. Refer the application back to staff for further review, as specified by Council.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

Standard requirements for Council consideration and referrals under provincial legislation have been accounted for in staff's review and processing of the application and in the recommendations of this report.

The *Local Government Act* allows Council to vary Zoning Bylaw regulations (excluding regulations for use, density and rental tenure) through issuance of a DVP. Development Variance Permits are discretionary decisions of Council, and Council has no obligation to approve the proposed Variance.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Mail notification for the proposed Development Variance Permit pursuant to section 499 of the *Local Government Act*, was carried out on July 21, 2023. Two written submissions in favour of the proposed Variance were received and are attached as Attachment G to this report for Council's reference. No other submissions were received prior to writing this report.

INTERGOVERNMENTAL REFERRALS:

The application was referred to the Ministry of Forests and the Cowichan Valley Regional District. Table 3 summarizes the responses received from these agencies and staff's comments.

Table 1: Intergovernmental Referral Comments

Agency	Agency/Staff Comments
Ministry of Forests	Ministry of Forests confirmed on June 22, 2023, that an updated site plan was accepted and has been incorporated into the lease area's

	management plan. No tenure amendment is required due to the updated site plan being consistent with the previous area authorized for boathouse coverage. The Provincial requirements have been met, and no further action is required.
Cowichan Valley Regional District (CVRD)	“That the Town of Ladysmith be advised that the Cowichan Valley Regional District has not comments concerning the proposed variances at Ladysmith Marina.” Received response on July 14, 2023. No action is required.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application was circulated amongst Town departments for review. Their comments are summarized below:

Table 4: Department Comments

Referred (Yes/No)	Department	Comments
Yes	Engineering	No concerns.
Yes	Building Inspection	No building permit required.
Yes	Bylaw Enforcement	No concerns.
No	Parks Recreation and Culture	N/A
No	Financial Services	N/A
No	Legislative Services/Corporate Services	N/A
Yes	Fire/Protective Services	Concerns regarding fire safety. The Marina is noncompliant with firefighting standpipe system requirements in the B.C. Fire Code. The Fire Chief is working with the owners to address these issues. The installation of a standpipe system along A Dock and B Dock prior to building the proposed boathouses is a condition of the proposed Development Variance Permit.

ALIGNMENT WITH STRATEGIC PRIORITIES:

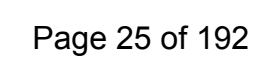
- | | |
|---|---|
| <input type="checkbox"/> Core Infrastructure | <input checked="" type="checkbox"/> Economy |
| <input type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership |
| <input type="checkbox"/> Waterfront Area Plan | <input type="checkbox"/> Not Applicable |

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

ATTACHMENT(S):

- A. Site Plan
- B. Development Variance Permit 3090-23-01
- C. Subject Property Map
- D. Applicant Letter of Rationale
- E. Elevation Plans
- F. Photo of Existing Boathouses
- G. Letters of Support





TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 Local Government Act)

FILE NO: 3090-23-01

DATE: August 1, 2023

Name of Owner(s) of Land (Permittee): Oak Bay Marina Ltd.

Applicant: Deane Strongitharm (Strongitharm Consulting Ltd.)

Subject Property (Civic Address): 1251, 1261 Rocky Creek Road/901 Gladden Road
(DL 2054 and DL 2061)

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Town of Ladysmith described below and any and all buildings, structures and other development thereon:

Block C, District Lot 2054, Cowichan District, Plan EPC721, and District Lot 2061, Cowichan District, Plan 3TU1959 – Lease 0114642 (Crown Lease #0114642) (1251, 1261 Rocky Creek Rd/901 Gladden Rd)
(referred to as the “Land”)
3. Section 16.2.5 “Siting, Sizing and Dimension of Uses, Buildings and Structures” of the “Town of Ladysmith Zoning Bylaw 2014, No. 1860”, as amended, is varied for the subject property to allow for the construction of *Boathouses* to a maximum of 12.0 metres in *Height* as shown in **Schedule A – Site Plan** and **Schedule B – Elevation Plans**.
4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. The Permittee, as a condition of the issuance of this Permit, agrees to the following:
 - a. To improve fire safety, a suitable standpipe system is to be installed along A Dock and B Dock prior to the development of 12-metre-tall boathouses at the Ladysmith Marina.

6. The following plans and specifications are attached:
 - a. **Schedule A – Site Plan**
 - b. **Schedule B - Elevation Plans**
7. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
8. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

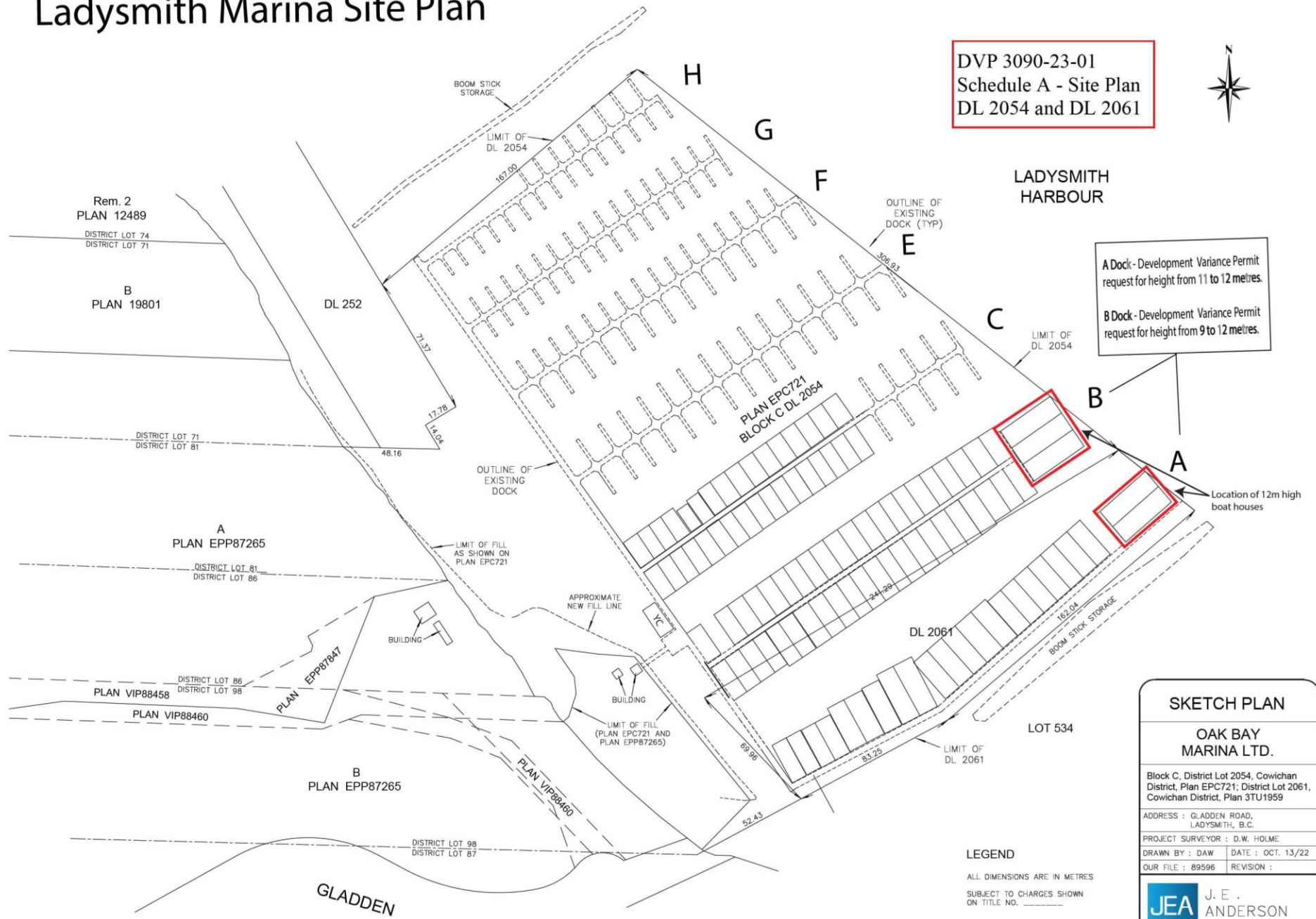
AUTHORIZED BY RESOLUTION NO. _____ PASSED BY THE COUNCIL OF THE
TOWN OF LADYSMITH ON THE ____ DAY OF _____ 202__.

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

Ladysmith Marina Site Plan

DVP 3090-23-01
Schedule A - Site Plan
DL 2054 and DL 2061



SKETCH PLAN

OAK BAY
MARINA LTD.

Block C, District Lot 2054, Cowichan
District, Plan EPC721, District Lot 2061,
Cowichan District, Plan STU1959

ADDRESS : GLADDEN ROAD,
LADYSMITH, B.C.

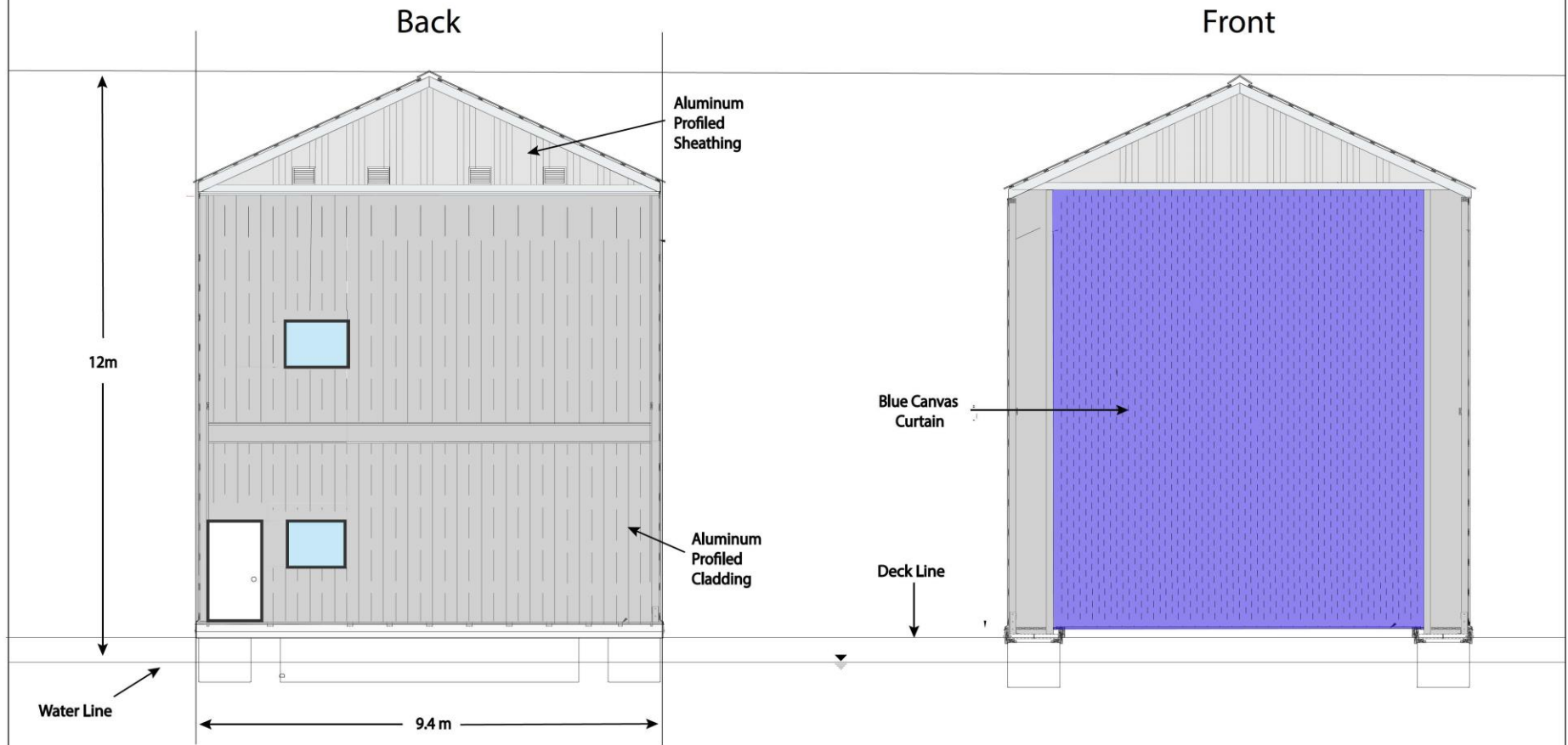
PROJECT SURVEYOR : D.W. HOLME

DRAWN BY : DAW DATE : OCT. 13/22

OUR FILE : 89596 REVISION :

JEA J. E. ANDERSON

Ladysmith Marina Boathouse - Front and Back View

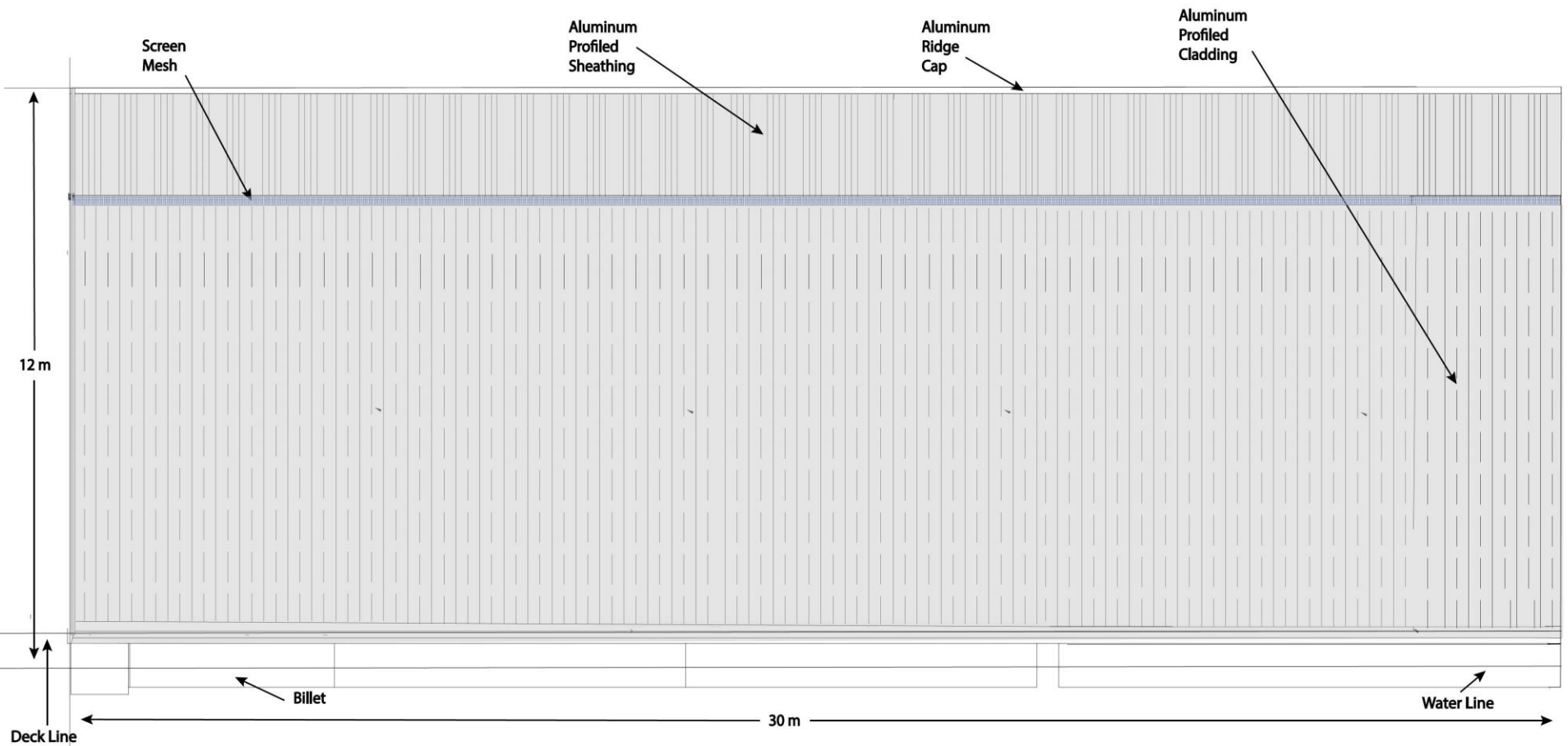


DVP 3090-23-01
Schedule B - Elevation Plans
DL 2054 and DL 2061

Scale 1:40

July 15th

Ladysmith Marina Boathouse - Side View



DVP 3090-23-01
Schedule B - Elevation Plans
DL 2054 and DL 2061

Scale 1:40

July 15th



Subject Properties

Gladden Road

Raven Road

Rocky Creek Road

Groulx Rd

Attachment D



STRONGITHARM CONSULTING LTD.

January 6 , 2023

Town of Ladysmith
132 Roberts Street
Ladysmith, BC V9G 1B6

Attention: Jake Belobaba

**RE: 1251,1261 Rocky Creed Rd / 901 Gladden Rd - Ladysmith Marina - Develop Variance Permit
Application DL 2054 and DL 2061**

Attached are completed application forms, plans, and a letter to Mayor and Council outlining the reasoning for a Development Variance permit for the Ladysmith Marina.

The application package does not include a land title search or corporate summary of the owner as the foreshore lot is not a registered lot in Land Registry, but rather it is a Provincial Crown foreshore lease and the owner is the Provincial Crown. A site disclosure statement has also not been submitted as the boathouses float on the water and this information request does not apply.

Thank you for your timely consideration. Please don't hesitate to contact the undersigned if there is any further information required at this time.

Yours truly,

Deane Strongitharm, MCIP, RPP
Strongitharm Consulting Ltd.

cc. Brook Castelsky, Ladysmith Marina

attach.



STRONGITHARM CONSULTING LTD.

January 6, 2023

Mayor Stone and Council
Town of Ladysmith
132 Roberts Street
Ladysmith, BC

Re: Ladysmith Marina - Boathouse Height Variance.

Dear Mayor Stone and Council:

We are pleased to submit this application requesting a Development Variance to permit the construction of several boathouses higher than what is permitted in the W-2 Marina Zone. Specifically, the request is to permit up to a 12 m high boathouse limited to “A” and “B” docks within the marina (see attached marina layout plan). The marina Provincial foreshore lease permits boathouses but the W-2 Zone limits the height of boathouses to 9 m. It is noted that a Development Variance was granted by the Town a number of years ago to allow for up to 11 m high boathouses on “A” dock.

A. Background to Request

There are a number of location and market related reasons for the request to increase the maximum boathouse height; summarized below.

1. Oak Bay Marina Ltd. owns and operates Ladysmith Marina. Ladysmith Marina was redeveloped several years ago with new dock infrastructure designed to accommodate a range of recreational vessels, including space for boathouses. Conceptually, the marina was designed to accommodate boathouses on the east side of the marina waterlot, located closest to Western Forest Products, Saltair Mill industrial waterfront, and the western half of the marina was designed for open moorage.
2. The Gulf Islands have long been recognized as preferred, internationally renowned cruising grounds. There is, not surprisingly, considerable attraction for moorage from families throughout the region, Canada, and internationally. Ladysmith Harbour is ideally located for recreational marinas, situated in the heart of the Gulf Islands archipelago with easy access to popular cruising grounds to the north and south.

3. In recent years there has been a changing demand for larger-vessel moorage; whether it be power or sail. Many power boat owners prefer boathouse storage to provide weather protection during the winter season and additional security. While there is an increasing orientation toward larger vessels, Ladysmith Marina is designed to also accommodate smaller boats along the main dock in order to offer a full range of vessel size moorage to customers.
4. A trend in modern recreational vessel design is wider and taller vessels. There is a growing trend for the height of the vessel superstructure above the waterline to be greater with more cabin headroom and a larger (and taller) flybridge. Fixed GPS and radar systems often add to the overall height of the vessel and contributes to the need for added boathouse height.

B. Rationale for Request

Reasons why the request should be supported include:

1. Ladysmith Marina is ideally suited to accommodate larger boathouses with a height of up to 12 m because such boathouses will be located adjacent to the industrial lands and industrial waterlot. As the marina is established with fixed pilings, there are only a few opportunities at the ends of “A” and “B” docks that can accommodate a boathouse of up to approximately 30 m in length with a 12 m high roofline.
2. Boathouses, like other structures such as the docks, float up and down with the tide and are always less imposing because of the approximate 4 m tidal range. Typically, members of the public view the marina from a point well above the highwater mark and observe the boats and structures on the water from a distant, bird’s-eye perspective.
3. The siting of boathouses within the marina, and dynamics of marine tide conditions, mitigates all potential impacts. The requested variance will not introduce any visual encroachment or cause any infringement to surrounding property owners.
4. The design of the boathouses, up to 12 m high at the roof ridge-line will match the existing boathouse design. The additional height is built into the wall structure, and the building form, roofline, roof pitch, materials, and colour will match the existing boathouses.
5. Located at the end of “A” and “B” docks, there will no noticeable change to the visual appearance of the marina. The boathouses will integrate seamlessly into the building form that now exists (schematic designs of the boathouses are attached).

C. Conclusion

The request for the increase in height will permit the boathouses to have a height of 12 meters, allocated to “A” and “B” docks. The variance responds to market demands and can be arranged in a way that will have no deleterious impact.

We respectfully ask for Council’s favourable consideration to this request.

Yours truly,

A handwritten signature in black ink, appearing to read "Deane Strongitharm". The signature is fluid and cursive, with a horizontal line extending from the end.

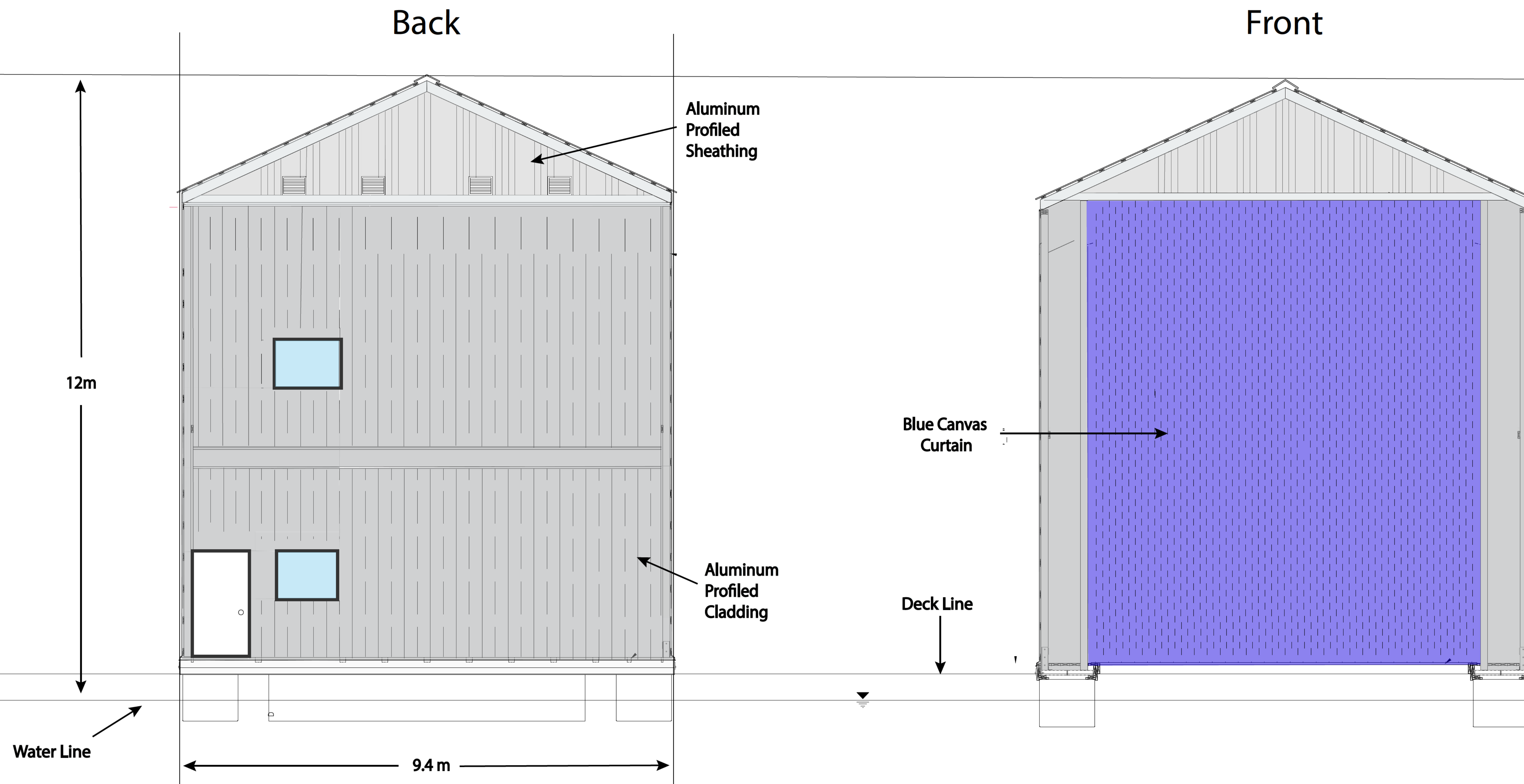
Deane Strongitharm
Strongitharm Consulting Ltd.

cc. Brook Castelsky, Ladysmith Marina

attach.

Ladysmith Marina Boathouse - Front and Back View

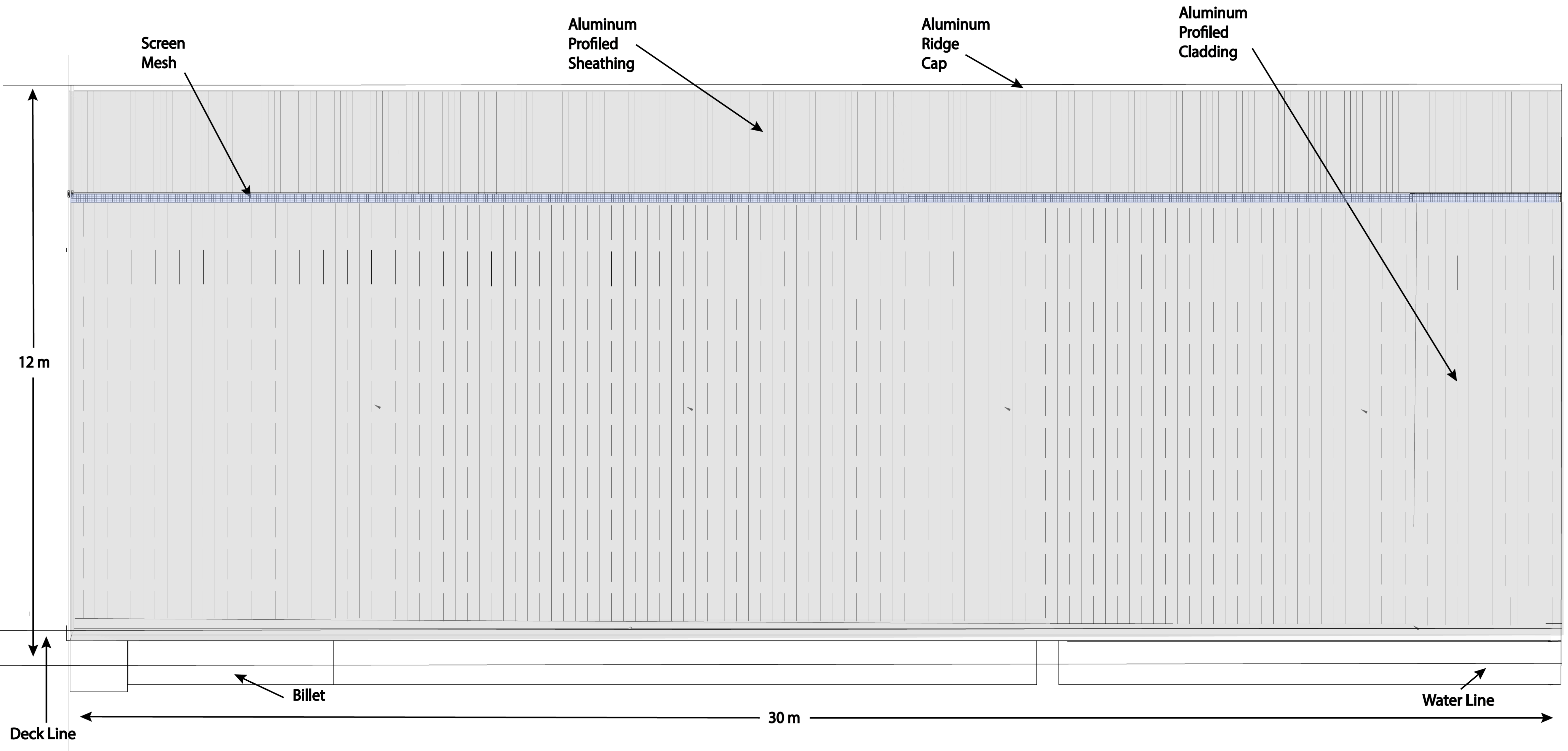
Attachment E



Scale 1:40

Ladysmith Marina Boathouse - Side View

Attachment E



Scale 1:40

July 15th

Attachment F



June 8, 2023

Attachment G

Mayor Stone and Council
Town of Ladysmith
410 Esplanade, PO Box 220
V9G 1A2

Dear Mayor and Council:

Re: Ladysmith Marina – Application for Development Variance Permit for Boathouse

Rocky Creek Ventures owns the adjacent property to the west of Ladysmith Marina and have recently received approval from the Town for a mixed residential development.

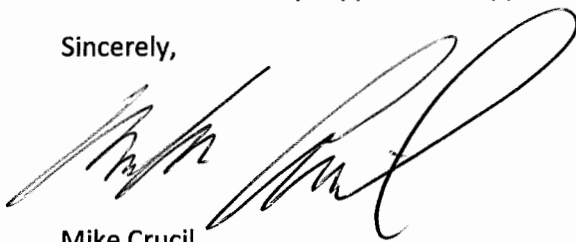
We have worked closely with Ladysmith Marina as they plan the development of the marina's upland, and we plan our residential development. We have always found Oak Bay Marina Ltd. to be reliable and professional in their business, and an important catalyst in development of Ladysmith's waterfront.

We are pleased to support Ladysmith Marina's application for Development Variance within the W-2 Marina Zone to allow for construction of boathouses up to 12m in height.

We understand a Development Variance was granted by the Town a number of years ago to allow for up to 11 m high boathouses on "A" dock, so this amendment is not materially different. Limiting this variance to "A" and "B" Dock to permit a small number of boathouses to 12m in height will have no impact on our residential development.

We whole-heartedly support their application for variance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Crucil', is written over a large, stylized, light-colored circular mark that resembles a large 'C' or a stylized 'R'.

Mike Crucil
Rocky Creek Ventures Ltd.

Attachment G

TRT Contracting Inc.
(O/A Coastal Trucking)

Ladysmith, B.C.



June 21, 2023

Mayor Stone and Council
Town of Ladysmith
410 Esplanade, PO Box 220
Ladysmith, BC V9G 1A2

Dear Mayor and Council:

Re: Ladysmith Marina – Application for Development Variance Permit for Boathouse

TRT Contracting Inc. oa Coastal Trucking owns property to the west of Ladysmith Marina on Rocky Creek Road where we operate our trucking business.

We have worked closely with Ladysmith Marina on their boathouse construction program for the past 15 years, and have always found Oak Bay Marina Ltd. to be professional in their business. The work they are doing to develop the marina is an important economic driver of industry in Ladysmith.

We are pleased to support Ladysmith Marina's application for Development Variance within the W-2 Marina Zone to allow for construction of boathouses up to 12m in height.

We understand a Development Variance was granted by the Town a number of years ago to allow for up to 11 m high boathouses on "A" dock, so this amendment is not materially different. Limiting this variance to "A" and "B" Dock to permit a small number of boathouses to 12m in height will have no impact on the commercial property and business owners located on Rocky Creek Road.

Coastal Trucking supports their application for variance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jag Basi", written over a white background.

Jag Basi
TRT Contracting Inc oa Coastal Trucking
1280 Rocky Creek Road
Ladysmith, BC

STAFF REPORT TO COUNCIL

Report Prepared By: Julia Tippet, Planner
Reviewed By: Jake Belobaba, RPP, MCIP, Director of Development Services
Meeting Date: August 1, 2023
File No: 3090-23-04
RE: Development Variance Permit – 1221 Rocky Creek Road,
101 Gladden Road

RECOMMENDATION:

That Council issue Development Variance Permit Number 3090-23-04 to vary section 12.3.5(d) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to reduce the minimum parcel line setbacks from 3.0 metres to 0.0 metres for the construction of two kilns at District Lot 104, Oyster District, Except Part in Plan 398 RW, PID: 009-450-068 (1221 Rocky Creek Road); Lot 528, Cowichan District, PID: 009-596-542 (1221 Rocky Creek Road); and District Lot 128, Cowichan District, PID: 009-450-092 (101 Gladden Road).

EXECUTIVE SUMMARY:

The purpose of this report is to introduce for Council consideration a proposal to vary the minimum parcel line setbacks from 3.0 metres to 0.0 metres to allow the development of two new kilns at 1221 Rocky Creek Road and 101 Gladden Road. The proposed development requires a Development Variance Permit and Development Permit (staff issuable). Staff recommend approval of DVP 3090-23-04 (Attachment B) based on analysis of the impacts.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:**Subject property**

The two subject properties at 1221 Rocky Creek Road are 2.3 hectares (Lot 104) and 1.1 hectares (Lot 528) in size, and the subject property at 101 Gladden Road (Lot 128) is 27.1 hectares in size. Under the “Official Community Plan Bylaw 2022, No 2200” (OCP), the three properties are currently designated Industrial, with small southern portions of 1221 Rocky Creek Road and 101 Gladden Road being designated Parks and Open Space along

Rocky Creek. The properties are zoned Industrial (I-2) under the Zoning Bylaw and fall within the Riparian development permit area (DPA 6). The properties are currently used for a sawmill and lumber processing facility. Adjacent land uses include: the Ladysmith Marina on the northwest side, a tattoo parlour, auto parts retailers and other light industrial uses on the southwest side, and a storage facility, RV repair service, and delivery service on the west side. The ocean borders the properties to the northeast, and additional industrial and commercial uses, including a hardware store, fuel cardlock station, motorsport retailer, recycling depot, and a print shop are located to the southeast.

A map of the subject property is provided in Attachment A.

Background

The applicants are proposing to consolidate two lots (Lot 104 and 528) to meet the required Floor Space Ratio (FSR) of 0.3. Currently, existing structures on the subject property (Lot 528) exceed a FSR of 0.3. The new buildings would increase the FSR further, so consolidation with an adjacent parcel will lower the FSR to below 0.3, meeting the density regulations in the I-2 Zone. Consolidation will be required prior to issuance of the building permit. After consolidation, the new drying kilns will cross two parcels. For the building permit, the property owner is entering into reciprocal easements for the remaining two parcels based on advice from the Town's legal counsel. Despite the consolidation, the proposed variance will still be required because the two kilns will not meet setback requirements. The consolidation of the two lots after the variance will not impact the validity of the variance.

PROPOSAL:

To facilitate the proposed development, a Development Variance Permit is required to vary the minimum parcel line setback for buildings or structures in section 12.3.5(d) of the Zoning Bylaw from 3.0 metres to 0.0 metres to allow the construction of two new drying kilns that cross over three property boundaries, as shown in the Site Plan (Attachment C). A Development Permit is also required as the property is in Development Permit Area 6 – Riparian (DPA 6). This permit is staff-issuable and requires sign off from the Province which, at time of writing, has not been received.

The applicant's rationale letter and the area of the proposed variance are included as Attachments D and E, respectively.

ANALYSIS:

For the reasons outlined below, staff are recommending approval of the proposal.

Official Community Plan

The properties are designated Industrial in the OCP. This area is intended to accommodate industrial development and employment centres.

The following OCP policies are relevant to the proposal:

2.4 General Land Use Policies

- ak. Existing industrial lands, including marine industrial areas, are to be protected for employment uses.

Policy 7. Local Economy

- 7.13 Existing industrial lands – both in terms of lands that are designated for industrial uses and lands that are currently being used for industrial uses – should be protected.

Small southern portions of Lots 104 and 128 are designated as Park and Open Spaces by the OCP, as they border Rocky Creek. This OCP designation is intended to provide public access to, or protection of, parks, open spaces, and recreation uses, and includes linear parks and environmentally sensitive areas.

This proposal will enhance industrial productivity at the subject properties, which would support local employment and the region's economy. The proposed development is consistent with the OCP policies noted above.

Zoning Bylaw

The subject properties are zoned I-2 in the Zoning Bylaw. The maximum Floor Space Ratio for this zone is 0.3. Currently, existing structures on Lot 528 exceed a FSR of 0.3 and the proposed kilns would increase this FSR further. The applicants intend to consolidate Lots 104 and 528 to lower the FSR and meet the I-2 zoning regulation. A variance is required for the proposal to meet the minimum parcel line setback requirements of the I-2 Zone. The proposal is otherwise consistent with the Zoning Bylaw.

Additional Considerations

Overall, this proposal is consistent with all relevant bylaws and would pose minimal impact to adjacent properties.

ALTERNATIVES:

Council can choose to:

1. Refuse the application.
2. Defer consideration of the application and refer the proposal to a subsequent meeting of Council.

3. Amend the conditions of the proposed permit and approve the issuance of the permit as amended.
4. Refer the application back to staff for further review, as specified by Council.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

The *Local Government Act* allows Council to vary Zoning Bylaw regulations (excluding regulations for use, density and rental tenure) through issuance of a DVP. Development Variance Permits are discretionary decisions of Council, and Council has no obligation to approve the proposed variance. Staff have confirmed with legal counsel that the kilns can straddle property lines, provided the reciprocal easements are in place.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Mail notification for the proposed development variance permit pursuant to section 499 of the *Local Government Act*, was carried out on July 21, 2023. No written submissions were received prior to the time of writing.

INTERGOVERNMENTAL REFERRALS:

None.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application was circulated amongst Town departments for review. Their comments are summarized below:

Table 4: Department Comments

Referred (Yes/No)	Department	Comments
Yes	Engineering	No concerns.
Yes	Building Inspection	No concerns. Building inspection is working with applicant to have their building permit ready for approval if the Development Variance Permit and Development Permit are approved.
No	Parks Recreation & Culture	
No	Financial Services	

No	Legislative Services/Corporate Services	
Yes	Fire/Protective Services	No concerns.

COMMUNITY PLANNING ADVISORY COMMITTEE (CPAC) REVIEW:

Under CPAC Terms of Reference, a CPAC review of this application is not required.

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|---|
| <input type="checkbox"/> Core Infrastructure | <input checked="" type="checkbox"/> Economy |
| <input type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership |
| <input type="checkbox"/> Waterfront Area Plan | <input type="checkbox"/> Not Applicable |

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

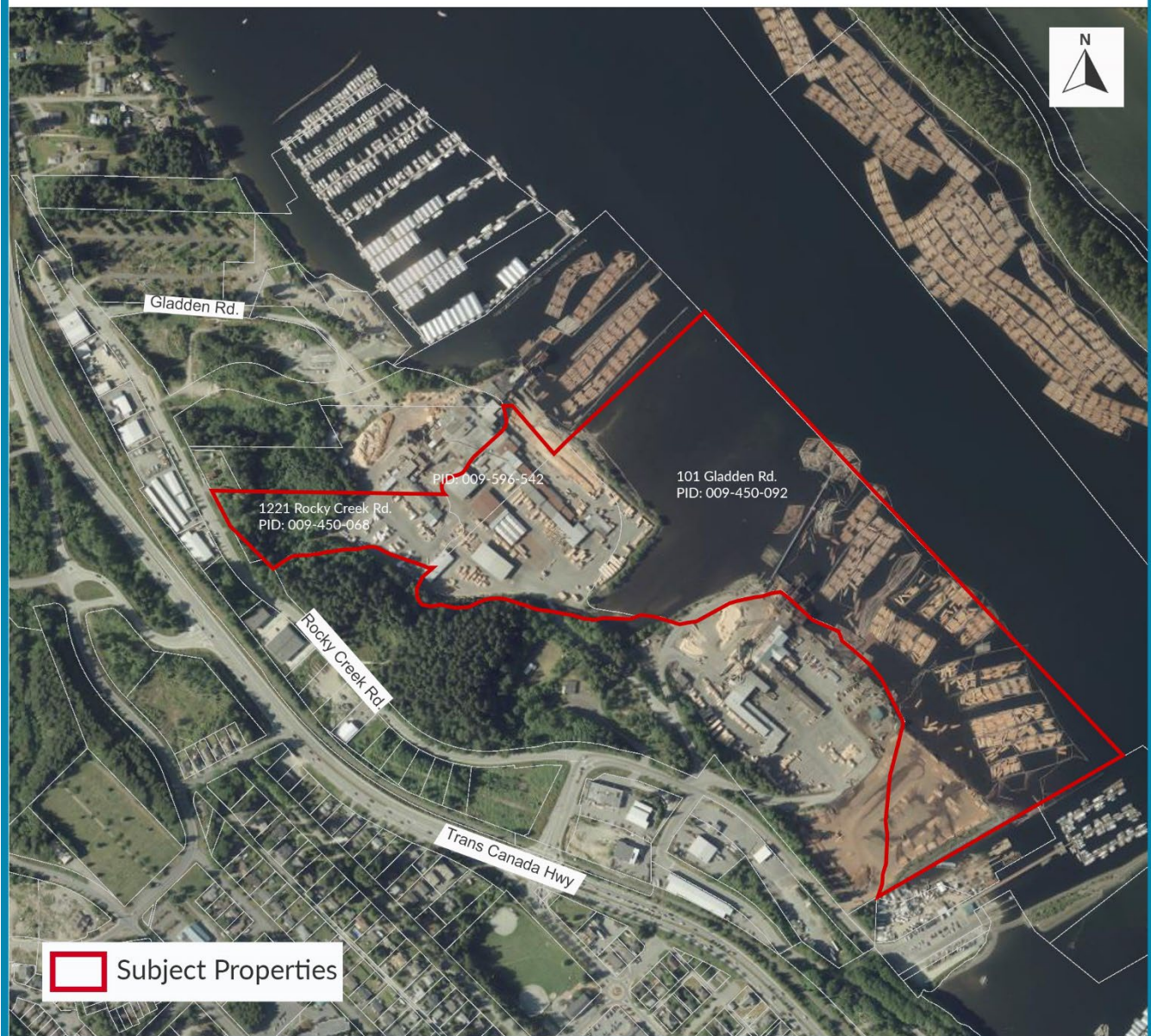
ATTACHMENT(S):

- A. Subject Property Map
- B. Development Variance Permit 3090-23-04
- C. Site Plan
- D. Applicant Rationale Letter
- E. Area of Proposed Variance

ATTACHMENT A

SUBJECT PROPERTY

1221 ROCKY CREEK ROAD & 101 GLADDEN ROAD





TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 Local Government Act)

FILE NO: 3090-23-04

DATE: August 1, 2023

Name of Owner(s) of Land (Permittee): Western Forest Products Inc.

Applicant: Christopher Dawes

Subject Property (Civic Address): 1221 Rocky Creek Road and 101 Gladden Road

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Town of Ladysmith described below and any and all buildings, structures and other development thereon:

District Lot 104, Oyster District, Except Part in Plan 398 RW
PID: 009-450-068
(1221 Rocky Creek Road)

AND

District Lot 128, Cowichan District
PID: 009-450-092
(101 Gladden Road)

AND

Lot 528, Cowichan District
PID: 009-596-542
(1221 Rocky Creek Road)

(Referred to as the "Land")

3. Section 12.3.5 d) of the "Industrial (I-2)" zone of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied for the Land by reducing the

Parcel Line setbacks from 3.0 metres to 0 metres for the construction of two kilns as shown in **Schedule A – Site Plan**.

4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit **(3090-23-04)** or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
6. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZED BY RESOLUTION NO. _____ PASSED BY THE COUNCIL OF THE
TOWN OF LADYSMITH ON THE ____ DAY OF _____ 2023.

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

SITE PLAN

SHOWING ROUGH ESTIMATE OF LOT COVERAGE

WESTERN FOREST
PRODUCTS INC.

LEGAL DESCRIPTION
OF LAND

SEE SCHEDULE

ADDRESS : 101 Gladden Road
Ladysmith, BC

PROJECT SURVEYOR : JAMES ENDERS, BCLS

DRAWN BY : JRE

DATE : JULY 10, 2023

OUR FILE : 90603

REVISION :

JEA

J.E. ANDERSON
& ASSOCIATES
SURVEYORS - ENGINEERS

1A - 3411 SHENTON ROAD, NANAIMO, B.C. V9T 2H1
TEL: 250 - 758 - 4631 FAX: 250 - 758 - 4660
E-MAIL : nanaimo@jeanderson.com
NANAIMO - VICTORIA - PARKSVILLE - CAMPBELL RIVER

SCHEDULE

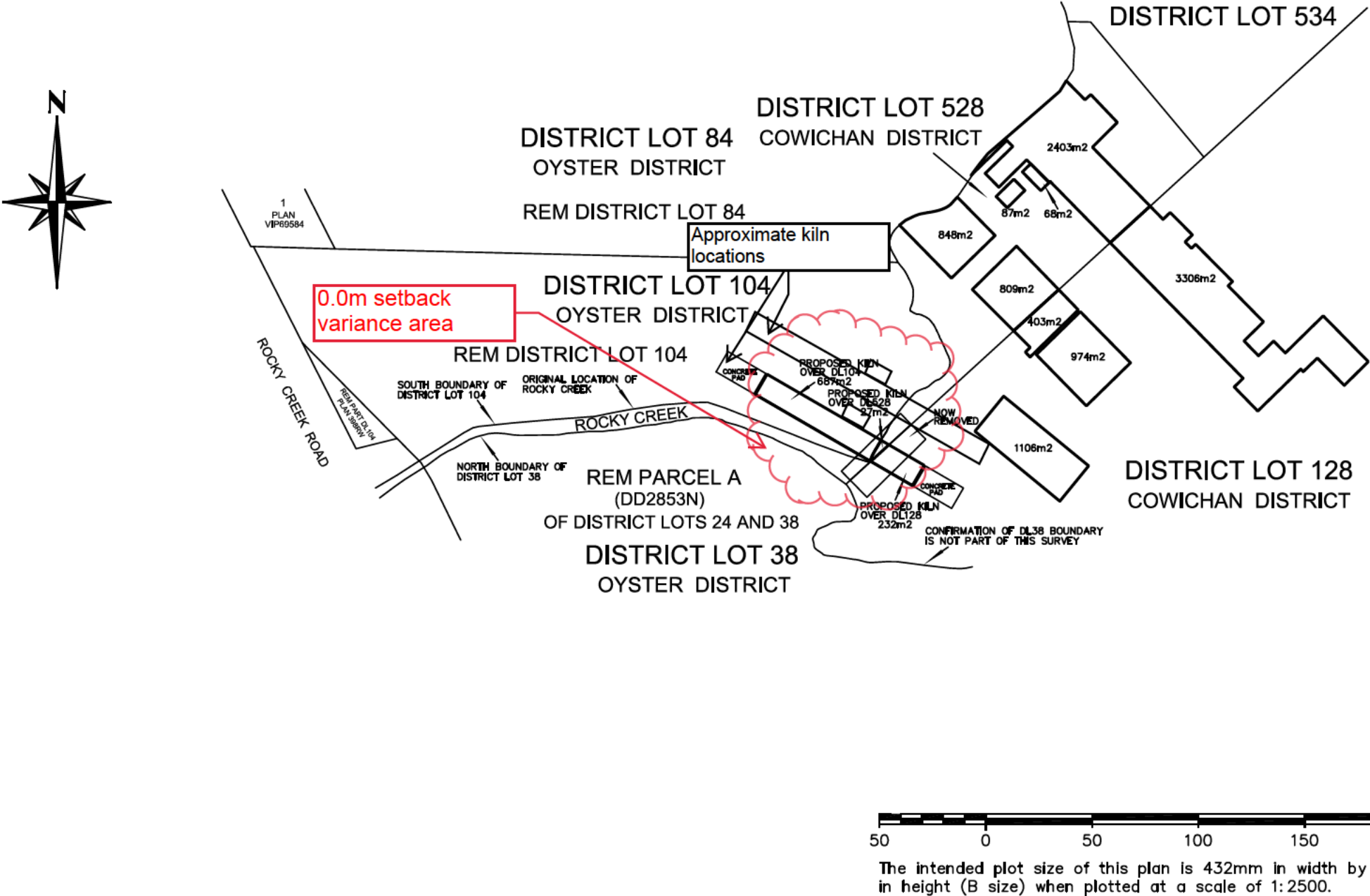
PID: 009-450-068
DISTRICT LOT 104, OYSTER DISTRICT,
EXCEPT PART IN PLAN 398RW

PID: 009-596-542
LOT 528, COWICHAN DISTRICT

PID: 009-450-092
DISTRICT LOT 128, COWICHAN DISTRICT

THIS SITE PLAN IS A COMPOSITE PLAN USING CROWN LAND AND LAND TITLE OFFICE PLANS. DUE TO THE AGE AND ACCURACIES OF THE ORIGINAL PLANS, THE PROPERTY LINES SHOWN ON THIS PLAN REPRESENT A BEST ESTIMATE AS TO THEIR LOCATIONS BASED ON EXISTING SURVEY RECORDS. AN EXTENSIVE REESTABLISHMENT SURVEY WOULD BE REQUIRED TO CONFIRM PRECISE UP TO DATE PROPERTY LOCATIONS AND STATUS. NOTE THAT ROCKY CREEK HAS BEEN DIVERTED SINCE THE ORIGINAL SURVEYS CREATING THE EXISTING DISTRICT LOTS 104 AND 38. AREAS ARE A BEST ESTIMATE WITH THE INFORMATION AVAILABLE. A PRECISE FIELD SURVEY WOULD BE REQUIRED TO CONFIRM ACTUAL PRECISE COVERAGE. THIS DRAWING IS ONLY FOR THE USE OF THE TOWN OF LADYSMITH TO DETERMINE THE ESTIMATED MAGNITUDE OF COVERAGE.

AREAS SHOWN ARE ESTIMATES ONLY



July 17, 2023

ATTACHMENT D

Town of Ladysmith
410 Esplanade
PO Box 220
Ladysmith, BC
V9G 1A2

Delivered via email:

Ms. Thompson,

RE: Rationale Letter: Western Forest Products

Western Forest Products (“Western”) has been a part of the Ladysmith community for almost half a century. Western’s Ladysmith operations (Ladysmith/Saltair) provides employment for over 240 Vancouver Island residents and continues to use Island-sourced fibre.

Western wishes to develop a kiln within its properties located at its Saltair Mill facility (101 Gladden Road). Should Council approve the below requested variances, Western will be able to increase the value of its product which supports Western’s ability to provide well-paying, local employment within Ladysmith and adjacent communities.

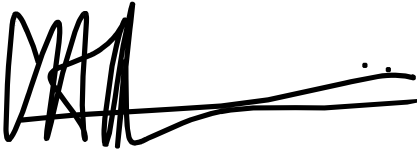
Western is respectfully requesting the following variances:

- PID 009-450-068 District Lot 104 Oyster District
- PID 009-596-542 District Lot 528 Cowichan District
- PID 009-450-092 District Lot 128 Cowichan District

The requested variances will decrease the currently required 3.0 Meter setback to zero (0). The attached map (Attachment #1) provides an overview of placement. Several factors were identified in selecting the proposed location for the kiln, specifically: traffic safety, land availability, operational flow, and the lowest soil disturbance. In taking all of these factors into account, straddling of property lines while erecting a structure of these dimensions is unavoidable.

We thank you in advance for you and your staff’s professionalism and are in attendance to answer any questions that may be raised by Council.

Respectfully,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Christopher Dawes
Director, Real Estate
Western Forest Products Inc.

Requested Variance Site Map



SITE PLAN

SHOWING FORMS FOR NEW KILN BUILDING

WESTERN FOREST PRODUCTS INC.

LEGAL DESCRIPTION OF LAND

SEE SCHEDULE

ADDRESS : 101 Gladden Road

Ladysmith, BC

PROJECT SURVEYOR : JAMES R. ENDERS

DRAWN BY : JRE

DATE : JUNE 7, 2023

OUR FILE : 90603

REVISION :

JEA

J.E. ANDERSON & ASSOCIATES

SURVEYORS - ENGINEERS

1A-3411 SHENTON ROAD, NANAIMO, B.C. V8T 2H1

TEL: 250-788-4631 FAX: 250-788-4660

EMAIL: nanaimo@jeanderson.com

NANAIMO-VICTORIA-PARKSVILLE-CAMPBELL RIVER

THIS SITE PLAN IS A COMPOSITE PLAN USING CROWN LAND AND LAND TITLE OFFICE PLANS. DUE TO THE AGE AND ACCURACIES OF THE ORIGINAL PLANS, THE PROPERTY LINES SHOWN ON THIS PLAN REPRESENT A BEST ESTIMATE AS TO THEIR LOCATIONS BASED ON EXISTING SURVEY RECORDS. AN EXTENSIVE REESTABLISHMENT SURVEY WOULD BE REQUIRED TO CONFIRM PRECISE UP TO DATE PROPERTY LOCATIONS AND STATUS. NOTE THAT ROCKY CREEK HAS BEEN DIVERTED SINCE THE ORIGINAL SURVEYS CREATING THE EXISTING DISTRICT LOTS 104 AND 38.

JEA

J.E. ANDERSON & ASSOCIATES

SURVEYORS - ENGINEERS

1A-3411 SHENTON ROAD, NANAIMO, B.C. V8T 2H1

TEL: 250-788-4631 FAX: 250-788-4660

EMAIL: nanaimo@jeanderson.com

NANAIMO-VICTORIA-PARKSVILLE-CAMPBELL RIVER

10 0 10 20 40 60 80
The intended plot size of this plan is 560mm in width by 432mm in height (C size) when plotted at a scale of 1:1000.



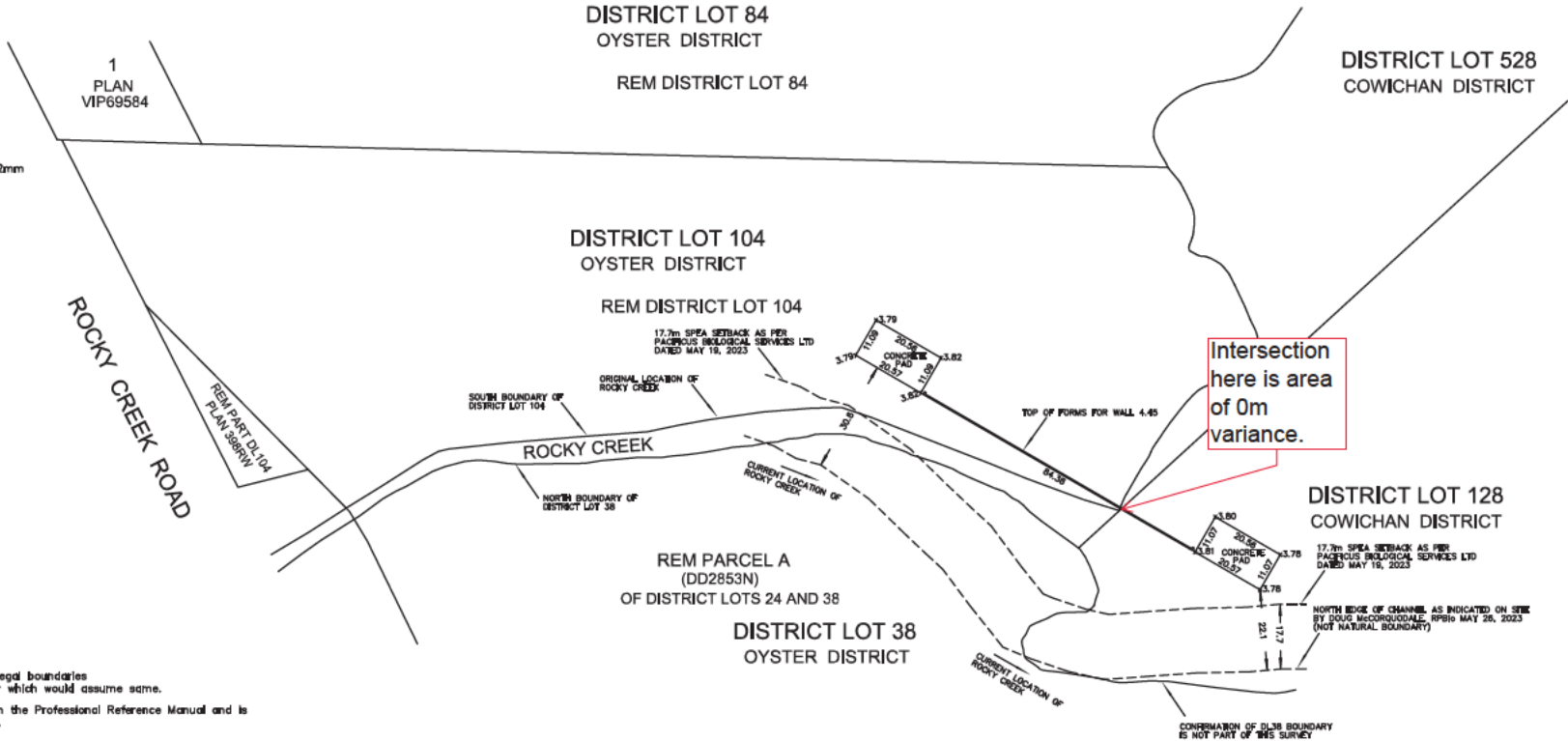
SCHEDULE
PID: 009-450-068
DISTRICT LOT 104, OYSTER DISTRICT,
EXCEPT PART IN PLAN 398RW
PID: 009-596-542
LOT 528, COWICHAN DISTRICT
PID: 009-450-092
DISTRICT LOT 128, COWICHAN DISTRICT

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any matter which would assume same.
This sketch plan has been prepared in accordance with the Professional Reference Manual and is certified correct this 7th day of June, 2023.
James Enders
99G9GJ
Digitally signed by James Enders 99G9GJ
Date: 2023.06.07 14:19:56 -0700
This document is not valid unless originally signed and sealed or digitally signed by BCLS

James R. Enders, BCLS 659

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The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made, or actions taken based on this document.
Subject to charges, legal notations, and interests shown on titles listed in the schedule above.
Date of field survey: May 26, 2023

Elevations are geodetic and are derived from Control Monument 10H2644 (Blev = 53.326m)



STAFF REPORT TO COUNCIL

Report Prepared By: Andrew Wilson, Planner
Report Reviewed By: Jake Belobaba, RPP, MCIP, Director of Development Services
Meeting Date: August 1, 2023
File No: 3090-22-17 and 3060-22-20
RE: Development Variance Permit 3090-22-17 & Development Permit Application 3060-22-20 – 416 South Colonia Drive

RECOMMENDATION:

That Council:

1. Issue Development Variance Permit 3090-22-17 to vary section 10.11.5 (a) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to increase the maximum height of a proposed two-unit dwelling from 10.0m to 11.8m at 416 South Colonia Drive (Lot 14, Block 192, District Lot 103, Oyster District, Plan EPP117682; PID: 031-754-996); and
2. Issue Development Permit 3060-22-20 to allow construction of a two-unit dwelling at 416 South Colonia Drive.

EXECUTIVE SUMMARY:

The purpose of this report is to introduce a proposal to construct a two-unit dwelling at 416 South Colonia Drive for Council consideration. The applicant has applied for a Development Variance Permit (DVP) and Development Permit (DP). The proposed development requires a variance, as the proposed height exceeds the maximum permitted height for a two-unit dwelling. Staff recommend approval of DVP 3090-22-17 (Attachment C) based on analysis of the impacts. Staff recommend approval of DP 3060-22-20 (Attachment D) based on consistency with the Multi-Unit Residential – Development Permit Area 8 guidelines.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:**Subject property**

The subject property, 416 South Colonia Drive, is located within the Holland Creek development in a predominantly single-family residential neighbourhood with some multi-family residential interspersed. The parcel area is 1,080 m² and backs onto Rollie Rose Drive to the north. The property falls 12m in elevation from the front of the property to the rear, over a 50m span. The property abuts the BC Hydro right of way on the west side.

The property is accessed by a statutory right-of-way from South Colonia Drive. The proposed duplex has a single storey visible from the access road, with two storeys visible in the rear.

A map of the subject property is provided in Attachment A.

PROPOSAL:

The applicant is proposing to build a two-unit dwelling on the subject property with a variance to the total height. The proposed building has a roof pitch less than 4:12 and a height of 11.8m. Because the maximum height of a principal building is 10.0m, a DVP is required.

A DP is also required prior to construction as the property is located within Development Permit Area 8 (DPA 8) – Multi-Unit Residential Environmentally Sensitive Area (ESA) under the OCP.

The proposed development is a duplex, with each unit containing four bedrooms and a single car garage. The driveways accommodate an additional one car per unit. There is additional space for one car per unit between the property line and the road curb. A landscape plan featuring slow-growing, fire-resistant, wildlife-friendly landscaping and drip irrigation was provided and is attached as a condition to the development permit.

A site photo of the subject property is provided as Attachment E. A letter of rationale from the applicant is provided as Attachment F.

ANALYSIS:

For the reasons outlined below, staff are recommending approval of DVP 22-17 and DP 22-20.

Official Community Plan

The subject property is located in the Neighbourhood Residential land use designation in "Official Community Plan Bylaw 2022, No. 2200" and within General Infill Growth Area. Neighbourhood Residential supports many housing choices, with diverse residential types, tenures, and densities. General Infill Areas enable and encourage intensification. The subject property also falls within the Holland Creek Local Area Plan (HCLAP) in which it is designated as Single-Family.

The proposed two-unit residential development is consistent with the OCP designation. The property is also located within Development Permit Area 8 – Multi-Unit Residential ESA (DPA 8) under the OCP, therefore a DP is required.

The following OCP policies are relevant to the proposal:

Policy 2.3 Land Use Designation Policies:

- q. The built form of this designation should be single-detached dwellings, duplexes, triplexes, fourplexes, townhouses, and multi-family housing up to three storeys.

The following HCLAP policies are relevant to the proposal:

7.1.1 Provide a mix of housing types and densities with a ratio of approximately 50 percent single unit dwellings and 50 percent multi-unit dwellings.

7.1.3 Encourage multi-unit housing to be in the form of ground-oriented townhouses that reflect the form and character of single family homes.

7.1.5 Design multi-unit housing sites to contain open space and respond to the land and site topography.

7.1.7 Support site planning and design that respects natural features, slope conditions and view corridors.

Other HCLAP considerations:

6.2.1 Zoning to permit development above the 130 metre contour shall include consideration of protected view corridors from park and open spaces or other publicly accessible areas. (416 S Colonia is 80m to 90m elevation).

Zoning Bylaw

The subject property is zoned R-3-A in "Town of Ladysmith Zoning Bylaw 2014, No. 1860" (Attachment B). The R-3-A zone permits a maximum building height of 10.0m. The proposed building is 11.8m tall, therefore a variance is required. All other Zoning Bylaw regulations are being met by this proposal.

Variance Proposal

The design of the proposed two-storey duplex is consistent with other existing and proposed dwellings on Thetis Drive. From the access road, the building has a lower profile due to the slope of the site. The roof peak (93.9m above sea level (ASL) is approximately 4.05 metres above the elevation of the roadway (89.85m ASL) which is reasonable for a two-unit dwelling. Due to the orientation of the parcels in relation to ocean views and being adjacent to the hydro lines right-of-way, the variance is not expected to interfere with views for neighbouring properties.

At time of writing, five submissions were received in opposition to the proposed application (see Attachment G). A summary of citizen comments and concerns is provided in Table 1.

Table 1: Summary of public submissions.

Concern	Summary	Staff Comments
Views and View Corridors	Four public submissions expressed concerns over impacts to their views and contravention of the view corridor objectives and	<ul style="list-style-type: none">• The roof peak is proposed at 93.9m, 4.05m above the elevation of South Colonia, approximately 1.25m above the average finished grade of the nearest house on Ray Knight Drive, and approximately 9.5m below the average finished

	policies of the OCP and Holland Creek Local Area Plan.	<p>grade of houses on the downslope on John Wilson Place.</p> <ul style="list-style-type: none"> • View corridor policies in the HCLAP state that consideration to protect view corridors shall be on development above 130m (6.2.1). 416 S Colonia is approximately 80m to 90m in elevation. • DPA 8 considers view corridors for buildings on the lower slopes of Arbutus Hump. 416 South Colonia is not situated in this area. There are no other view corridor policies in the OCP.
Unfair Zoning Bylaw allowance	Three submissions expressed concerns of unfair practices and discrimination from having to reduce the building height to comply with the Zoning Bylaw at 140 Ray Knight Drive and at 643 John Wilson Place.	<ul style="list-style-type: none"> • A DVP application has never been made for 140 Ray Knight Drive. • A DVP to permit a secondary suite was approved for 643 John Wilson Pl. There was no application for a height variance.

Based on the analysis, staff do not expect negative impacts from the proposed variance, and therefore, recommend approval of DVP 22-17.

Development Permit Area 8 – Multi-Unit Residential ESA (DPA 8)

The subject property is located within DPA 8 under the OCP. The purpose of DPA 8 is to protect the natural environment, its ecosystems and biological diversity, to establish objectives for the form and character of multi-family residential development, and to establish objectives to promote energy conservation, water conservation and the reduction of greenhouse gas emissions.

The lands included in DPA 8 include the following forest ecosystems: Douglas Fir, Arbutus, Western Red Cedar, and Bigleaf Maple. The ecosystems contain intact contiguous forest stands; dry, rocky outcrops; and sensitive riparian areas with tributaries to Holland Creek and Rocky Creek. Integration of the site's natural topography, the protection of its natural environment and sensitive ecosystems are all important objectives of DPA 8.

A Landscape Plan was submitted by the applicant and is attached to DP 22-20 as Schedule D, and a Construction Environmental Management Plan (CEMP) was prepared by Terrawest dated November 21, 2022, and is attached to DP 22-20 as Schedule G (Attachment D). The purpose of a CEMP is to provide a plan for implementing erosion and sediment control measures; provide guidance with regards to spill response, handling of hazardous materials, waste disposal, storage and laydown area management, and invasive species management; and serve as a reference with respect to best management practices, guidelines, and procedures with the interest of protecting the environment.

A summary of the DPA 8 guidelines and staff comments is provided in Table 2.

Table 2: Summary of DPA 8 guidelines and staff comments.

DPA 8 Guidelines	Staff Comments
Form, Character and Exterior Design	
Design aesthetic of neo-traditional, Pacific Northwest, or eco-responsive themes	<ul style="list-style-type: none"> The proposal uses some neo-traditional contemporary elements such as façades accented with stone.
Scale/neighbourhood identity	<ul style="list-style-type: none"> The proposed building is of a human scale and the architectural theme is consistent with homes in the neighbourhood.
Response to site topography	<ul style="list-style-type: none"> The building is stepped with the site topography.
Façade	<ul style="list-style-type: none"> Building façades are articulated by the use of varying materials, finishes, balconies and rooflines.
Exterior materials	<ul style="list-style-type: none"> Exterior cladding consists of high quality, wood-look, double vinyl horizontal plank and panel siding. Exterior gables cladding consists of wood look Hardi shakes. Natural elements such as masonry stone veneer cladding is proposed on the lower portion of the front exterior posts.
Private outdoor space	<ul style="list-style-type: none"> Both dwelling units contain a private balcony. Balconies are partially screened from each other with offset vertical walls.
Underground/underbuilding parking areas	<ul style="list-style-type: none"> No underground parking is proposed. The building only contains two units.
Parking garage entries	<ul style="list-style-type: none"> Each unit contains a one-car garage.
Building Siting and Conservation	
Building & Window placement	<ul style="list-style-type: none"> The proposed building is placed close to the access road. The rear elevation is on the north side of the building with views of the forested Heart Creek riparian area across Rollie Rose Drive, and glimpses of the ocean to the northwest. Windows and glass patio doors are large and plentiful on the rear elevation, maximizing views to the outside and allowing for natural ventilation.
Building Orientation	<ul style="list-style-type: none"> The proposed building is situated near the top of the slope, setback 6.04m from the road. From South Colonia Drive, the proposed building has a lower profile due to the slope of the site. The rear elevation is north facing.
Site Design & Circulation	

The siting of buildings on the lower slopes of Arbutus Hump should permit view corridors from higher elevations.	<ul style="list-style-type: none"> • N/A • View corridor policies in the HCLAP state that consideration to protect view corridors shall be on development above the 130m contour (6.2.1). 416 S Colonia is 80m to 90m elevation.
Orientation towards street & semi-public space	<ul style="list-style-type: none"> • The proposed building is oriented towards the street. • A street-oriented landscaped front yard between the building and the access road is proposed.
Outdoor common space	<ul style="list-style-type: none"> • No outdoor common area is proposed. The back yard is intended for use by the residents of each unit.
Surface parking	<ul style="list-style-type: none"> • The proposal contains space for 4 on-site parking spots including 2 single-car garages and a driveway that can accommodate 2 additional vehicles.
Pedestrian circulation & linkages	<ul style="list-style-type: none"> • No on-site pedestrian linkages are proposed. The subject property has direct access to a sidewalk.
Strata roads	<ul style="list-style-type: none"> • No on-site strata roads are proposed. The building is accessed by a driveway that connects to the access road.
Bicycle Parking	<ul style="list-style-type: none"> • No dedicated bicycle parking is proposed. Each dwelling contains areas for secure bicycle parking in the garage or basement and ample room for short-term bicycle parking.
Natural Environment and Sensitive Ecosystems	
Land clearing	<ul style="list-style-type: none"> • The construction environmental management plan (CEMP) states the area had previously been prepared for development with on-site clearing and grubbing activities being completed.
Identification of green space to be protected conducted by a qualified professional Biologist.	<ul style="list-style-type: none"> • The CEMP report, conducted by a qualified environmental professional, did not identify any ecologically sensitive areas, forested stands, or fish-bearing watercourses on the site. • The CEMP states the proposed project is not permitted to cause disturbance to environmentally sensitive habitat.
Protection of Streamside Protection and Enhancement Area (SPEA)	<ul style="list-style-type: none"> • The CEMP stated there were no mapped/fish-bearing watercourses within or adjacent to the site, and therefore no SPEA.
Riparian Assessment Area	<ul style="list-style-type: none"> • The CEMP report did not identify any watercourses within 30m of the project's boundaries.

Identify SPEA during construction	<ul style="list-style-type: none"> • N/A
Construction environmental management plan to be provided	<ul style="list-style-type: none"> • A construction environmental management plan forms part of DP 22-20.
Sediment and erosion control plan	<ul style="list-style-type: none"> • A sediment and erosion control measures are included in the CEMP which forms part of DP 22-20.
Bird breeding surveys	<ul style="list-style-type: none"> • Nest sites are protected under the Provincial and Federal legislation.
Steep slopes	<ul style="list-style-type: none"> • The property has a slope of 24%, therefore, it is exempt from DPA7 – Hazard Lands.
Fire smart (landscaping)	<ul style="list-style-type: none"> • Most plantings will be native and drought-tolerant species including red- flowering currant, huckleberry, and kinnikinnick.
Tree preservation plan	<ul style="list-style-type: none"> • The area had previously been prepared for development and there are no trees on site.
Landscaping, Energy & Water Conservation, and GHG Emission Reduction	
Landscape plan	<ul style="list-style-type: none"> • A landscape plan for the site has been prepared and is attached to DP 22-20.
6.0m landscape buffer along hydro corridor	<ul style="list-style-type: none"> • Given the relatively narrow size of the lot, a 1.5 m buffer is proposed along the western property boundary adjacent to the BC Hydro right-of-way.
Bio-swales may be considered within landscaped buffers	<ul style="list-style-type: none"> • No bio-swales are proposed.
Native and drought tolerant plants	<ul style="list-style-type: none"> • New landscaping plantings consist of native and drought tolerant species.
Alternative stormwater management strategies for surface parking such as bio-swales wherever possible	<ul style="list-style-type: none"> • No bio-swales are proposed for surface parking stormwater run-off.
Stormwater management	<ul style="list-style-type: none"> • A stormwater management plan was provided. Installation of a rock pit is a condition of DP 22-20.
Permeable paving materials are encouraged	<ul style="list-style-type: none"> • No permeable paving materials are proposed.
Pollution/water separators should be installed and a maintenance plan prepared.	<ul style="list-style-type: none"> • No pollution/water separators are proposed.
Rainwater collection	<ul style="list-style-type: none"> • No rainwater collection systems are proposed for the development.
Refuse, recycling and organics areas	<ul style="list-style-type: none"> • Each unit will store individual waste and recycle bins for the municipal collection.
Exterior lighting	<ul style="list-style-type: none"> • Exterior coach style entrance lighting and soffit pot lights will be downcast, following “dark sky” principles.
Retaining walls	<ul style="list-style-type: none"> • 3m high engineered rock retaining walls are proposed for a stepped back yard.
Retaining wall landscape screen	<ul style="list-style-type: none"> • Landscape screen

Monetary security	<ul style="list-style-type: none"> • DP 22-20 requires a bond of \$25,525 to ensure landscaping is carried out in accordance with the landscape plan.
Landscaping standards	<ul style="list-style-type: none"> • According to the landscaping professional, the planting plan is completely appropriate as it features slow-growing, fire-resistive, wildlife-friendly trees, shrubs, and groundcover.
Electric vehicle charging stations for employees and visitors.	<ul style="list-style-type: none"> • No electric vehicle charging stations are proposed.
Passive design strategies.	<ul style="list-style-type: none"> • No passive design strategies are proposed. • As of May 1, 2023, BC Energy Step Code Step 3 requires 20%-better energy efficiency for most new residential buildings in BC.
Monitoring	
Conditions included in DP	<ul style="list-style-type: none"> • DP 22-20 requires assessments by a QEP for erosion and sediment control measures, inspection of sediment fencing installation, assessment of sediment-laden water discharge areas if applicable. • QEP will conduct breeding bird nest surveys if clearing or grubbing is planned to occur between March 15 to August 15.
Monitoring by a QEP during site clearing and construction	<ul style="list-style-type: none"> • The CEMP report (Schedule G in DP 22-20) requires the QEP to undertake monitoring during site clearing and construction.
Release of landscaping security to be accompanied by a report	<ul style="list-style-type: none"> • A report from a Landscape Architect is required prior to release of the required landscape security.

Staff recommend that the DP be issued since the proposal is generally consistent with the DPA 8 guidelines. Monetary security conditions are in place to ensure that landscaping requirements are followed.

ALTERNATIVES:

Council can choose to:

1. Refuse issuance of DVP 3090-22-17 and DP 3060-22-20.
2. Refer the application back to staff for further review, as specified by Council.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

The *Local Government Act* allows Council to vary Zoning Bylaw regulations (excluding regulations for use, density and rental tenure) through issuance of a DVP. DVPs are discretionary decisions of Council, and Council has no obligation to approve the proposed variance.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Notice of DVP 3090-22-17 pursuant to section 499 of the *Local Government Act* was carried out on June 9, 2023. The notice was mailed and delivered to property owners/residents within 60m of the subject property. At time of writing, five submissions have been received. One submission was from a resident living within the 60m circulation area and four submissions were from residents living outside of the circulation area. Analysis of the responses is provided in Table 1 above.

INTERGOVERNMENTAL REFERRALS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application was circulated amongst Town departments for review. Their comments are summarized below:

Table 3: Department Comments

Referred (Yes/No)	Department	Comments
Yes	Infrastructure Services	No concerns
Yes	Building Inspection	No concerns
No	Parks Recreation and Culture	N/A
No	Financial Services	N/A
No	Legislative Services/Corporate Services	N/A
No	Fire/Protective Services	N/A

COMMUNITY PLANNING ADVISORY COMMITTEE (CPAC) REVIEW:

Under CPAC Terms of Reference, a CPAC review of this application is not required.

ALIGNMENT WITH STRATEGIC PRIORITIES:

- ☐ Core Infrastructure ☐ Economy
☐ Official Community Plan Implementation ☐ Leadership
☐ Waterfront Area Plan ☒ Not Applicable

I approve the report and recommendation(s).

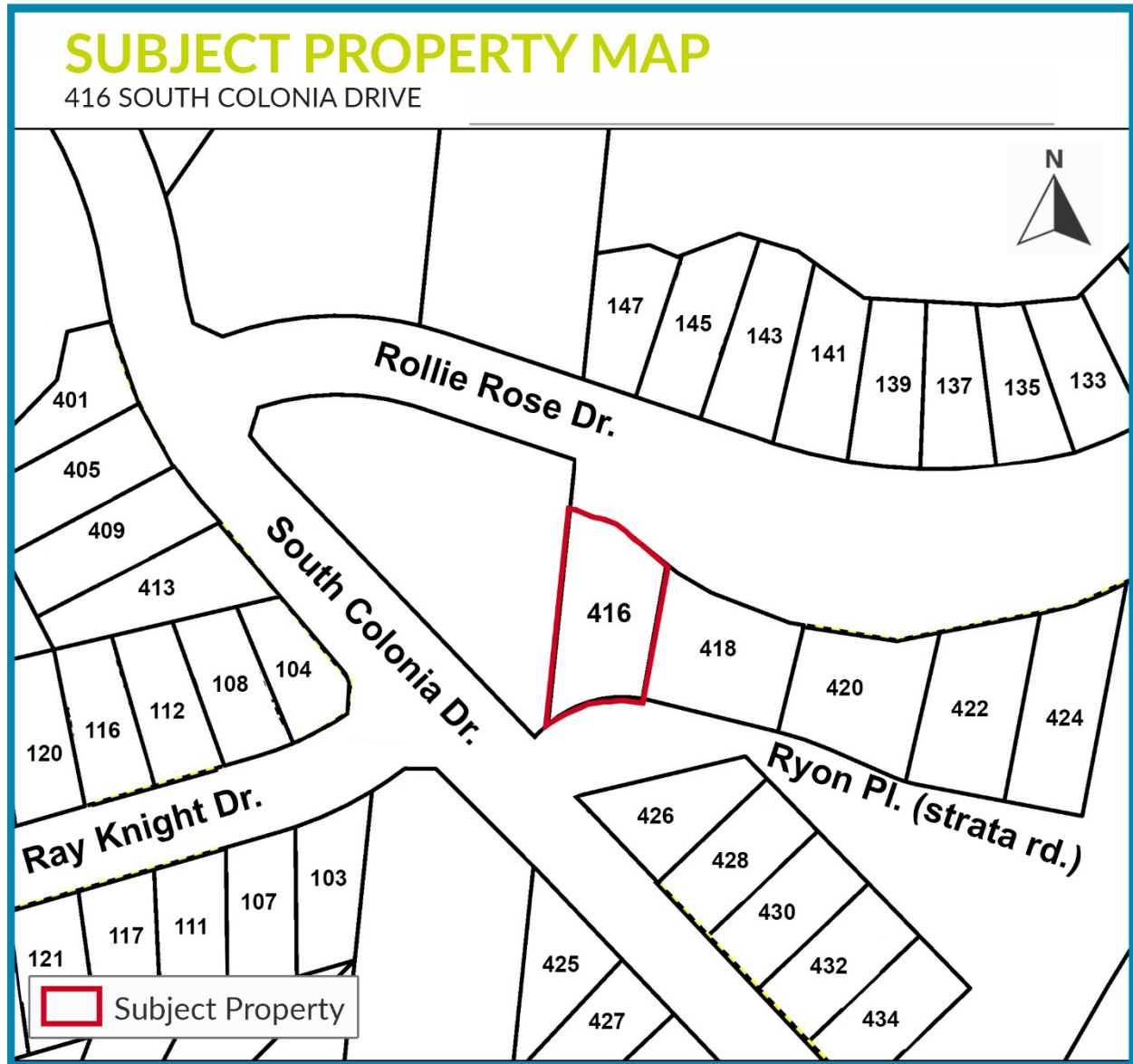
Allison McCarrick, Chief Administrative Officer

ATTACHMENT(S):

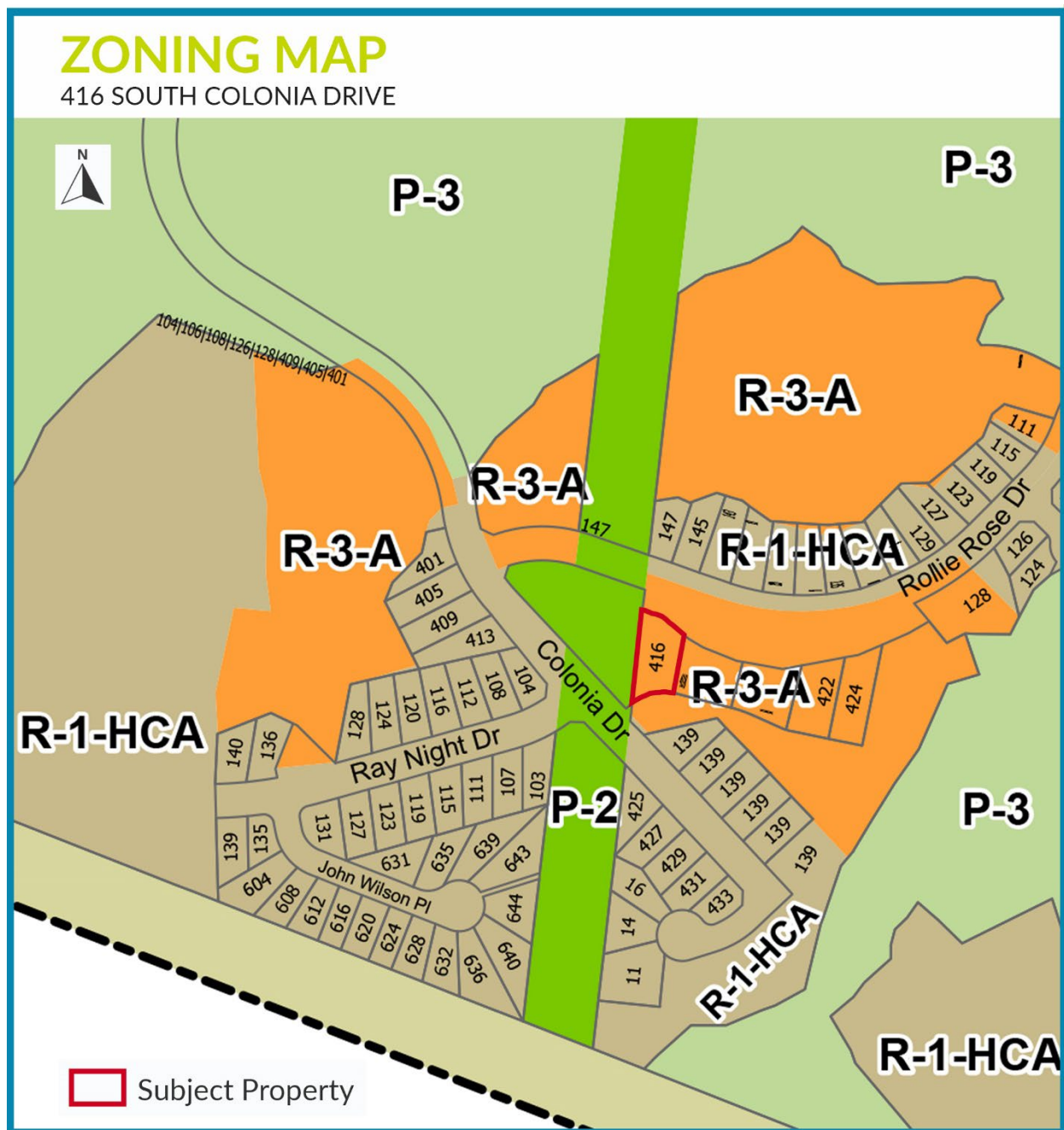
- A. Subject Property Map

- B. Zoning Map
- C. Draft DVP 3090-22-17
- D. Draft DP 3060-22-20
- E. Site Photo
- F. Applicant Letter of Rationale
- G. Public Submissions

ATTACHMENT A



ATTACHMENT B





TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 *Local Government Act*)

FILE NO: 3090-22-17

DATE: August 1, 2023

Name of Owner(s) of Land (Permittee): Hayme Holdings Ltd., Inc. No. BC1250750

Applicant: Hayme Holdings Ltd.

Subject Property (Civic Address): 416 South Colonia Drive

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Town of Ladysmith described below and any and all buildings, structures and other development thereon:

Lot 14 Block 192 District Lot 103 Oyster District Plan EPP117682
PID: 031-754-996
(416 South Colonia Drive)
(referred to as the "Land")
3. Section 10.11.5.a) of the "Low Density Residential (R-3-A)" zone of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied for the Land by increasing the *Height of a Principal Building* from 10.0 metres to 11.8 metres for *Two Unit Dwelling* as shown in **Schedule A – Site Plan** and **Schedule B – Elevation Plans**.
4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (**3090-22-17**) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.

6. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZED BY RESOLUTION NO. _____ PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH ON THE _____ DAY OF _____, 202__.

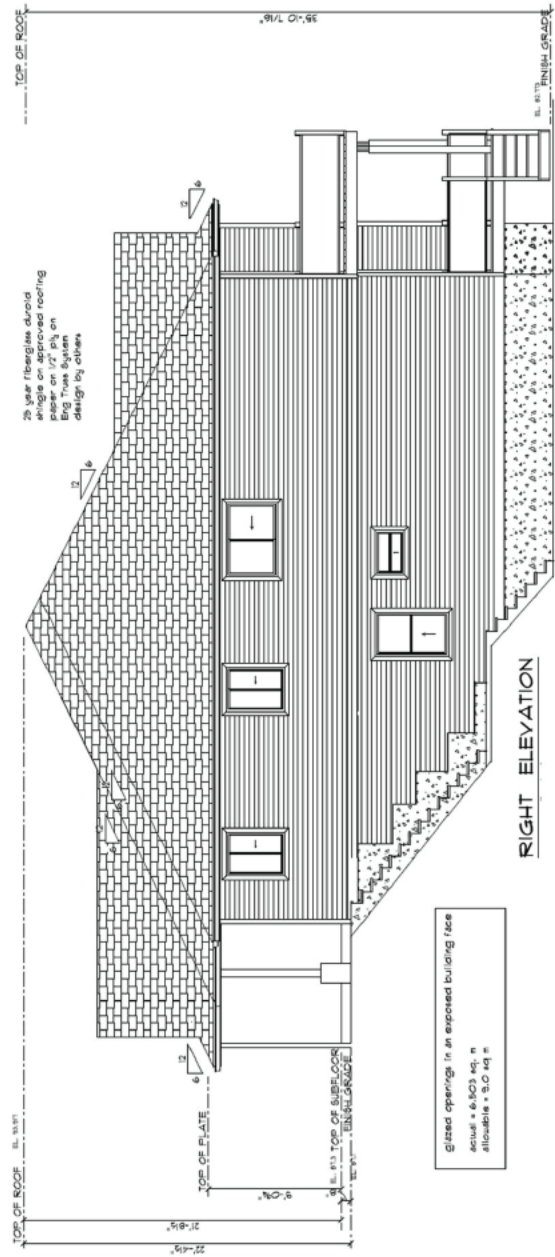
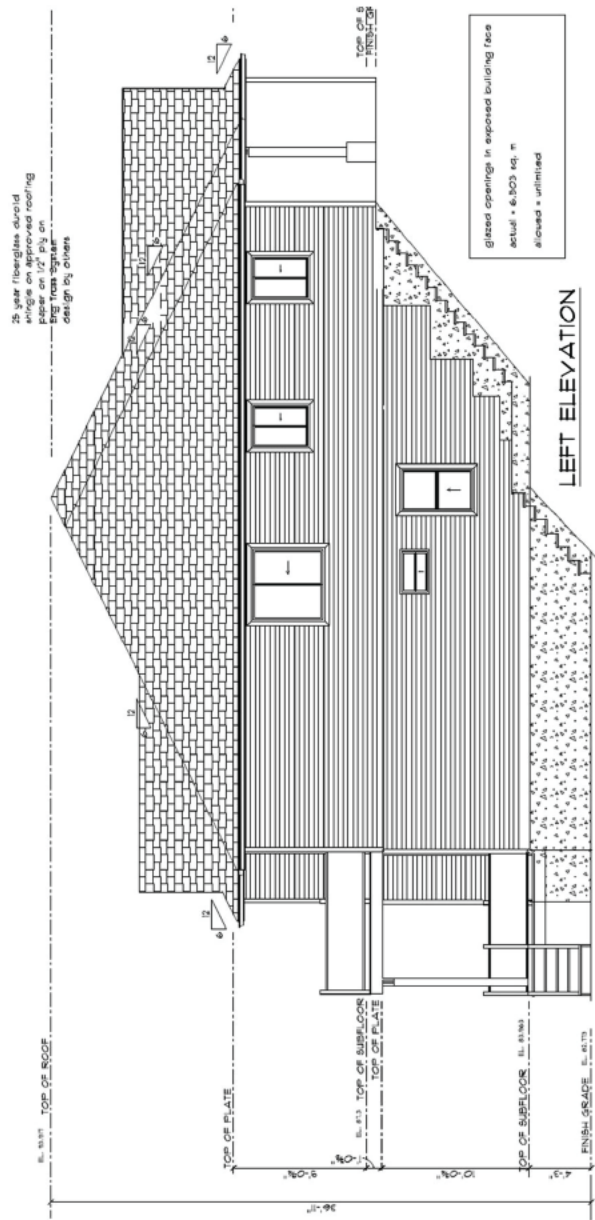
Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

25 year fiberglass duroid
shingles on approved roofing
paper on 1/2" ply on
Eng Truss System
design by others



Schedule B - Elevation Plans
DVP 3090-22-17
416 South Colonia Drive
(2 of 2)





TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 489 Local Government Act)

FILE NO: 3060-22-20

DATE: August 1, 2023

Name of Owner(s) of Land (Permittee): Hayme Holdings Ltd., Inc. No. BC1250750

Applicant: Hayme Holdings Ltd.

Subject Property (Civic Address): 416 South Colonia Drive

1. This Development Permit is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.
2. This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon:

Lot 14 Block 192 District Lot 103 Oyster District Plan EPP117682
PID: 031-754-996
(416 South Colonia Drive)
(referred to as the "Land")
3. This Permit has the effect of authorizing the alteration of land for the construction of a two unit dwelling on the Land in accordance with the plans and specifications attached to this Permit, subject to all applicable laws, and subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Town of Ladysmith Zoning Bylaw 2014, No. 1860.
5. The Permittee, as a condition of the issuance of this Permit, agrees to:
 - (a) Develop the Land in accordance with **Schedule A – Site Plan, Schedule B – Site Elevations, Schedule C – Building Elevations, Schedule D - Landscape Plan, and Schedule E – Building Materials & Colours.**

- (b) Install and maintain a rainwater management system in accordance with **Schedule F – Stormwater Management Plan**.
- (c) Follow all recommendations in **Schedule G – Construction Environmental Management Plan** and its appendices, including the following:

PRIOR TO CONSTRUCTION AND CLEARING

- i. Erosion and Sediment Control (ESC) measures will be implemented to prevent the mobilization of sediment to the surrounding environment, including the following:
 - a. Limit the area of disturbance to the immediate area of construction.
 - b. Delineate the project site boundary with snow fencing or flagging if necessary.
 - c. Maintain natural drainage patterns and current drainage structures.
 - d. Install sediment fencing at the perimeter of the work area and around stockpiles under the direction and inspection of the Qualified Environmental Professional (QEP).
- ii. Catch basin inlet protection measures will be installed.
- iii. Breeding bird nest surveys will be conducted by the QEP if clearing or grubbing is planned to occur during the breeding bird nesting window between March 15 to August 15.
- iv. Vegetative boundaries will be flagged, established, and maintained throughout the duration of the project.
- v. The work area should be inspected for invasive plants to be removed immediately upon discovery including all root structures and associated topsoil.

DURING CONSTRUCTION

- i. Prevent the tracking of sediment by construction vehicles by maintaining all site access locations.
- ii. Runoff in the work site must be controlled and managed on site.
- iii. Ensure that erosion and sediment control materials are available on-site including the following:
 - a. Silt fencing
 - b. Geotextile fabric including non-woven filter fabric
 - c. Crushed rock (angular, clean)
 - d. Pumps and hoses
 - e. Straw bales (free of invasive plants)
 - f. Polyethylene sheeting
 - g. Filter bag system
 - h. Rolled erosion control blanket
 - i. Catch basin inserts, donuts, and sediment logs
- iv. Install silt fencing at the perimeter of the disturbed work areas and up-gradient slope areas.
- v. Apply straw, if necessary, to erodible surfaces.

- vi. Temporary material stockpiles are to be compacted and/or protected from rain and wind with Polyethylene sheeting or tarps.
- vii. Remove, maintain, repair, and/or replace erosion and sediment control structures when deemed inefficient, exhausted, or no longer necessary.
- viii. Clearing and grubbing should be scheduled during dry weather.
- ix. During periods of significant rain, the site may be shut down to prevent erosion and the mobilization of sediment.
- x. All works will be monitored by the QEP during land clearing and construction in accordance with the recommendations of **Schedule G**.
- xi. Hazardous materials, dangerous goods, controlled products, and wastes generated during the project shall be stored, used, transported, and disposed of according to applicable laws and regulations and in accordance with the recommendations of **Schedule G**.
- xii. Dust control measures are followed in accordance with the recommendations of **Schedule G**.
- xiii. Ensure best management practices are followed to prevent spill or release of other hazardous materials to the surrounding environment and in accordance with the recommendations outlined in **Schedule G**.

POST CONSTRUCTION & LONG-TERM PROTECTION

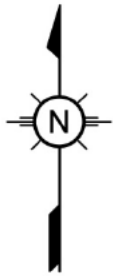
- i. Earthworks and stabilization plans must be prepared and implemented as follow up activities upon completion of operations.
 - ii. Exposed soils should be seeded or covered with other erosion control measures during non-germination periods.
6. This Permit is issued on the condition that the Permittee has provided to the Town of Ladysmith security in the form of an irrevocable Letter of Credit to guarantee the performance of the conditions in section 5 of this Permit respecting landscaping. The Letter of Credit shall be for a period of two years, shall be automatically extended, and shall be in the amount of \$25,525.
 7. Should the Permittee fail to satisfy the conditions referred to in section 5 of this Permit, the Town of Ladysmith may undertake and complete the works required to satisfy the landscaping condition(s) at the cost of the Permittee, and may apply the security in payment of the cost of the work, with any excess to be returned to the Permittee. Requests for the release of the security shall be accompanied by a report from a landscape professional confirming that the landscaping conditions in section 6 of this Permit have been met.
 8. The Permittee may, in lieu of a Letter of Credit, deposit with the Treasurer of the Town of Ladysmith the sum of the security in cash.
 9. Should there be no default as herein provided, or where a Permit lapses, the Town of Ladysmith shall return any security provided to the Permittee.

10. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
11. The plans and specifications attached to this Permit are an integral part of this Permit.
12. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit **(3060-22-20)** or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
13. Despite issuance of this Permit, construction may not start without a Building Permit or other necessary permits.

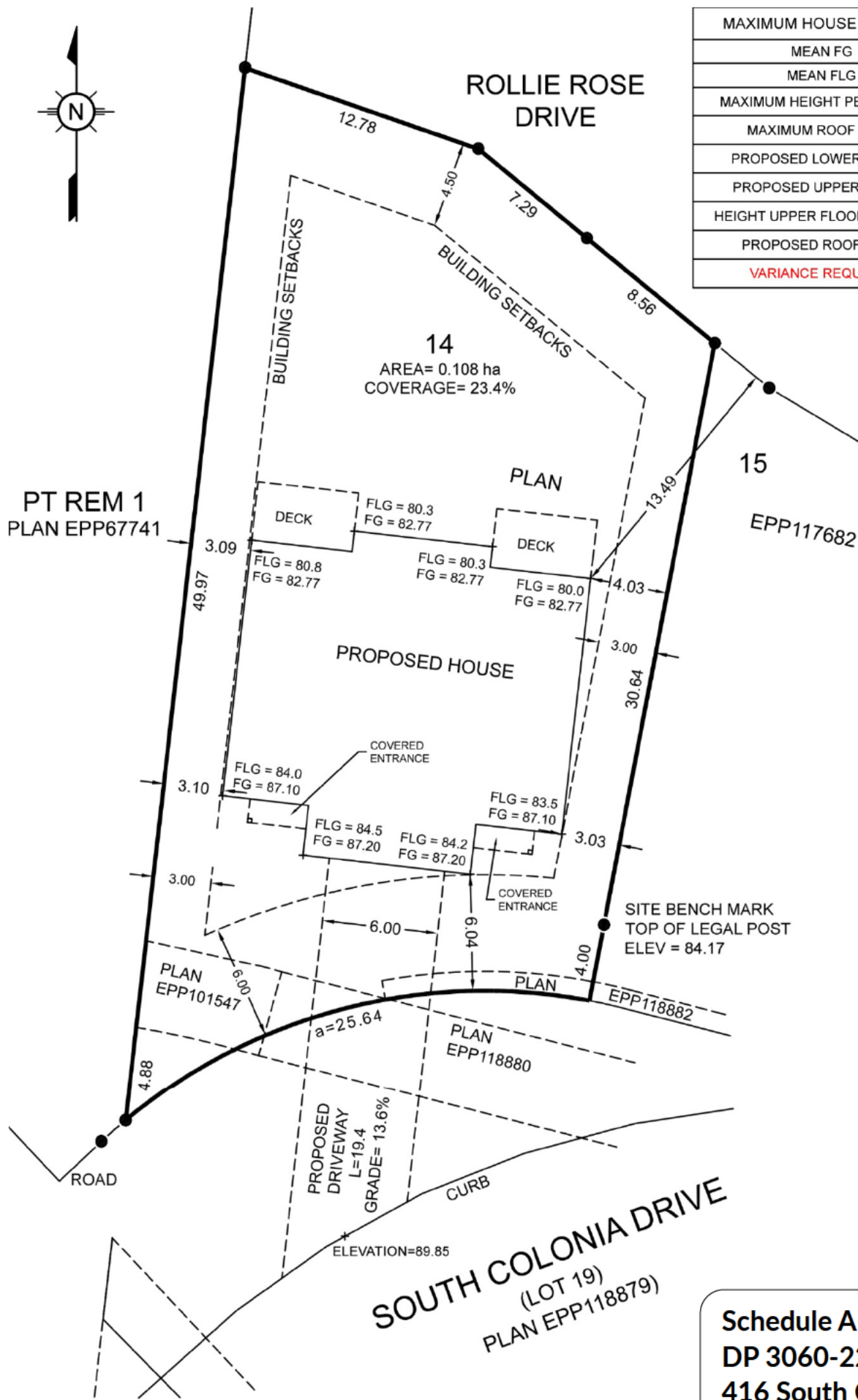
AUTHORIZING RESOLUTION _____ PASSED BY THE COUNCIL OF THE TOWN OF
LADYSMITH
ON THE _____ DAY OF _____ 2023.

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)



MAXIMUM HOUSE HEIGHT CALCULATION	
MEAN FG	84.96
MEAN FLG	82.20
MAXIMUM HEIGHT PER BYLAW	10.0
MAXIMUM ROOF PEAK	92.20
PROPOSED LOWER FLOOR	83.91
PROPOSED UPPER FLOOR	87.30
HEIGHT UPPER FLOOR TO PEAK	6.62
PROPOSED ROOF PEAK	93.92
VARIANCE REQUIRED	1.72

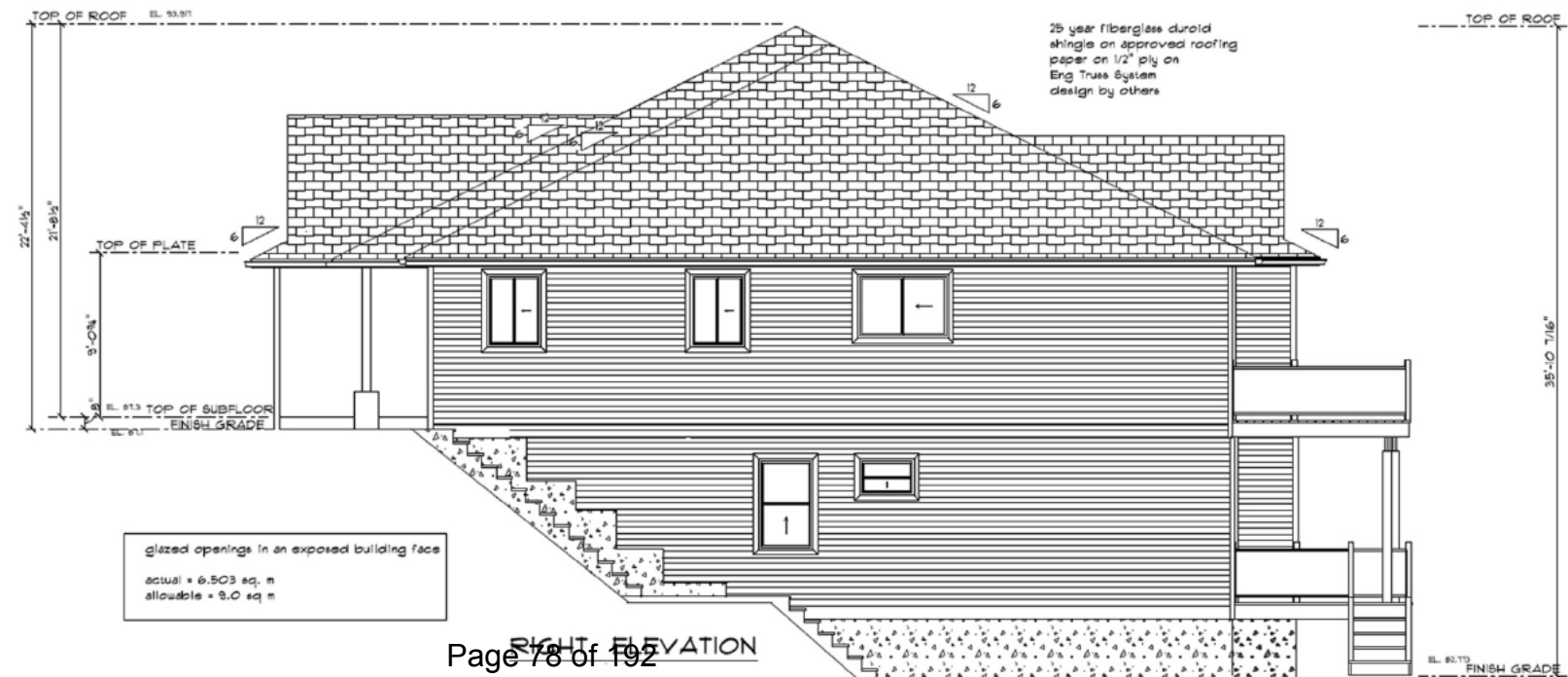


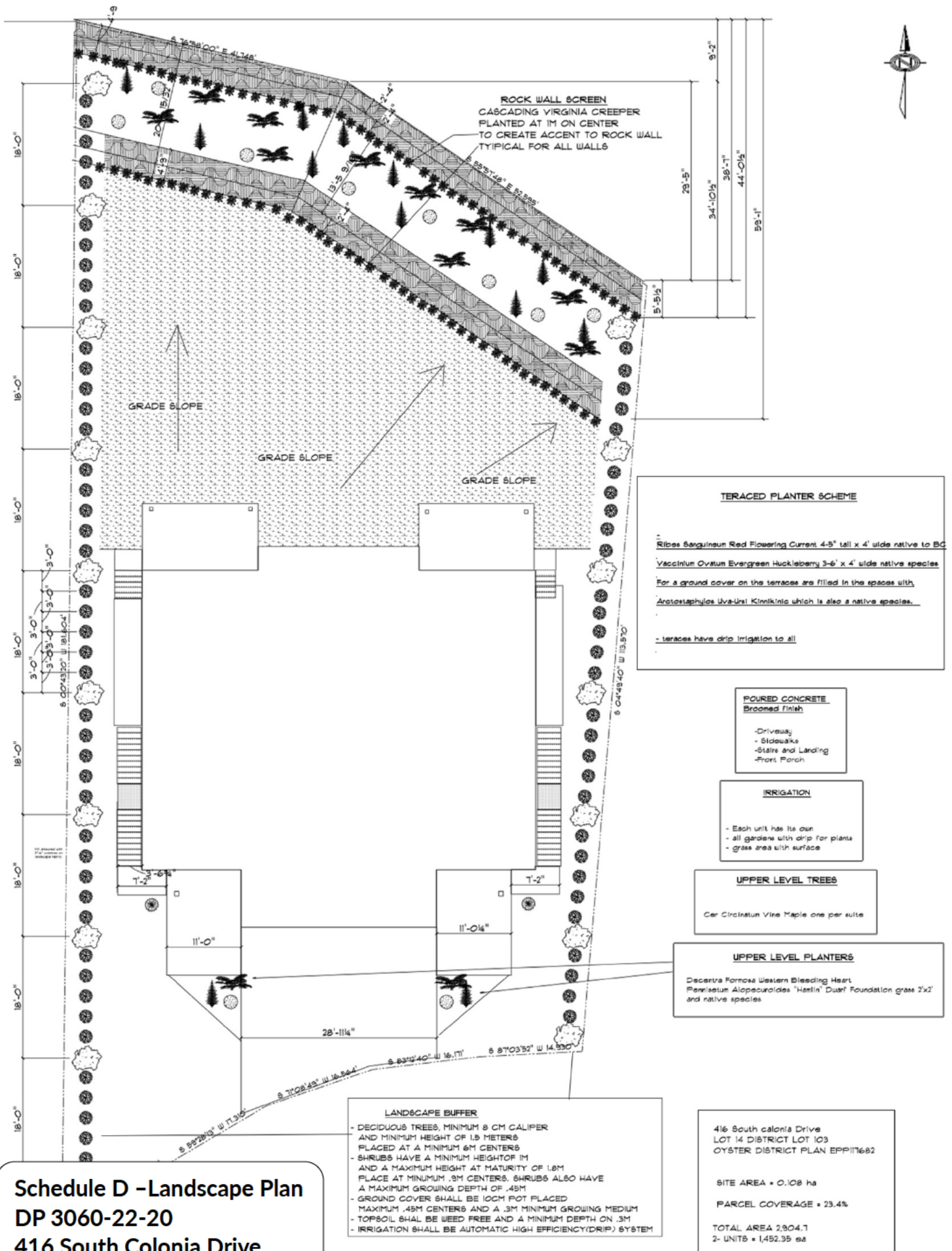
Schedule A - Site Plan
DP 3060-22-20
416 South Colonia Drive

Schedule C - Building Elevations
DP 3060-22-20
416 South Colonia Drive
(1 of 2)

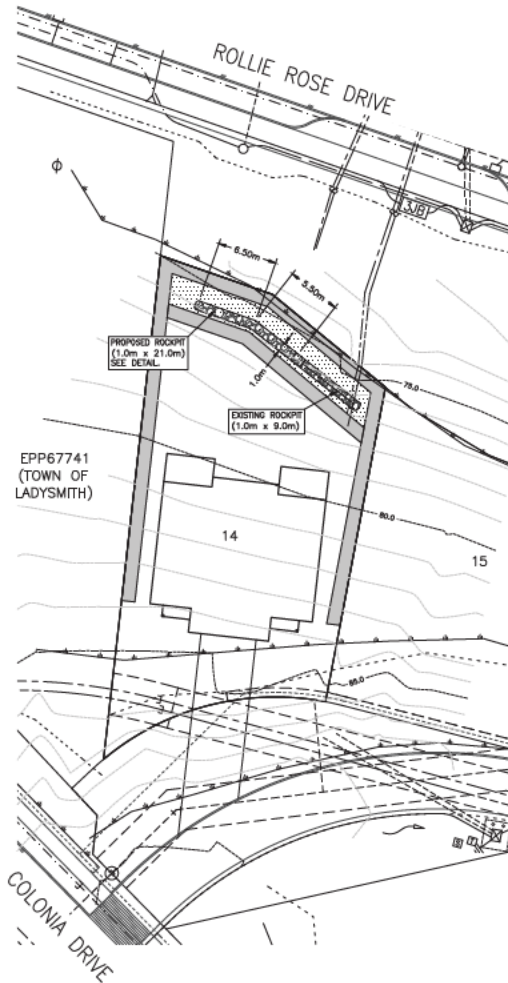


Schedule C - Building Elevations
DP 3060-22-20
416 South Colonia Drive
(2 of 2)





Project: 416 South Colonia Dr., Ladysmith
File: 1265-001
Date: November 24, 2022
Engineer: Drew Belderwieden



 ORGANIC SOIL PLANTING BED (SEE LANDSCAPE DRAWINGS FOR DETAILS)
 BLASTED ROCK RETAINING WALL (SEE LANDSCAPE DRAWINGS FOR DETAILS)

10 year Pre and Post Development Flows

A =	0.1084 Area (ha)
C _{PRE}	0.30 Runoff coefficient - Pre development
C _{POST}	0.60 Runoff coefficient - Post development
T _c	10.0 Time of concentration (minutes)
I _{30min}	59.3 Rainfall intensity (mm/hr)
Q _{PRE}	5.4 Flow - Pre development (l/s)
Q _{POST}	10.7 Flow - Post development (l/s)

Post Development 1 Hour Flow

$T_c =$	60.0 Time of concentration (minutes)
$I_{SYB} =$	22.7 Rainfall intensity (mm/hr)
$Q_{POST} =$	4.1 Flow - Post development (l/s)

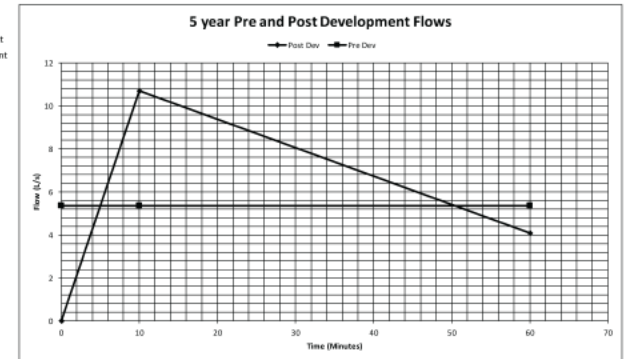
Storage required to detain post development flows

Storage =	7.2 Volume of water (m^3)
$n =$	0.35 Drain rock void ratio
$V =$	20.7 Volume of rock (m^3)

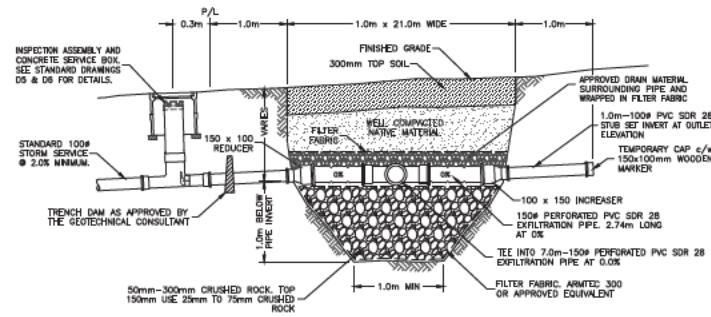
Storage provided to detain post development flows

Width =	1.0 width of rock pit [m]
Length =	21.0 length of rock pit [m]
n =	0.35 Drain rock void ratio
V_{rock} =	21 Volume of rock provided [m ³]
V_{water} =	7.4 Volume water detained [m ³]

Note: Rock pit shape can be modified to suite site conditions

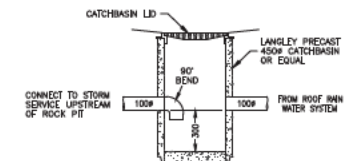


Schedule F -
Stormwater Management Plan
DP 3060-22-20
416 South Colonia Drive



NOTE

1. ROOF WATER SEDIMENT SUMP TO BE INSTALLED UPSTREAM OF ROCK PIT AT TIME OF HOUSE CONSTRUCTION.
2. EXCAVATION INTO ROCK MAY BE CUT VERTICAL AND FILTER CLOTH CAN BE EXCLUDED BELOW THE PIPE.
3. DESIGN MAY BE MODIFIED TO SUIT INDIVIDUAL LOTS AS NECESSARY WITH THE APPROVAL OF THE GEOTECHNICAL CONSULTANT.



(REQUIRED BY COVENANT AT BUILDING CONSTRUCTION)

TYPICAL STORM SERVICE CONNECTION INSTALLATION DETAIL
N.T.S.

[illegible]



ENVIRONMENTAL MANAGEMENT
& CONSULTING



CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

New Build House
416 South Colonia Drive, Ladysmith, BC.

Prepared For:
Hayme Holdings Ltd.

Prepared By:
TerraWest Environmental Inc.

Project File: HHCD23-01

VERSION 1
November 21, 2022

This plan is intended to be a "Living Document" and is subject to changes

TERRAWEST ENVIRONMENTAL INC.

Regional: 4176 Departure Bay Road, Nanaimo, BC, V9T 4B7
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REVISION LOG

Environmental Protection Plan - Dallas Road Seawall Balustrade Replacement		
Version #	Date issued	Comments
1	November 21, 2022	Issued to Client.

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- Appendix A. Generic Spill Response Plan
- Appendix B. Environmental Incident Report Form
- Appendix C. Select Erosion and Sediment Control Measure BMPS, TAC-ATC
- Appendix D. B.C. Land Surveyor's Certificate of Proposed Location
- Appendix E. Site Photos

1.0 INTRODUCTION

1.1 PURPOSE

Hayme Holdings Ltd. (the 'Client') has retained TerraWest Environmental Inc. (TerraWest) to develop a Construction Environmental Management Plan (CEMP) for the construction of a new dwelling (the 'Project') located at 416 South Colonia Drive, Ladysmith (The 'Site'). TerraWest has been engaged as a Qualified Environmental Professional (QEP) to provide recommended mitigation strategies to protect the environment.

The primary objectives of this CEMP are as follows:

- Serve as a reference for the Client and their contractor with respect to relevant best management practices (BMPs), guidelines, and procedures with the interest of protecting the environment;
- Provide a plan for the implementation of erosion and sediment control measures on the Project site; and
- Provide guidance with regards to spill response, handling of hazardous materials, waste disposal, storage and laydown area management, and invasive species management.

1.2 PROJECT DESCRIPTION, SITE LOCATION

The Project is located at 416 South Colonia Drive, Ladysmith. The Client's intent is to build a dwelling on Lot 14, Block 192, District Lot 103. The Site falls under the regional jurisdiction of the Town of Ladysmith for bylaw, zoning, building permits and development purposes. The project construction works will involve, but is not limited to, the following activities:

- Clearing, grubbing, and earthworks for Site preparations of build; and,
- Construction of build and associated infrastructure.

The Project location and approximate boundaries are presented in Figure 1, and Site photos are present in Appendix E.

2.0 ROLES AND RESPONSIBILITIES

The Client is responsible to deliver and enact a Construction Environmental Management Plan prepared by a Qualified Environmental Professional (QEP), to complete the proposed Project as per the development permit requirements requested from the Town of Ladysmith.

2.1 CLIENT'S QUALIFIED ENVIRONMENTAL PROFESSIONAL

The Client has retained TerraWest to act as the QEP on the Project. TerraWest has assigned a Registered Professional Biologist (R.P.Bio) as the QEP for this project. The QEP may appoint suitably experienced designates as required, under their supervision, for the execution of their responsibilities. The QEP's responsibilities as set out by the Client are summarized below:

- Prepare a Construction Environmental Management Plan (CEMP) for the Client to enact on site. The CEMP must include:
 - Habitat protection and ecosystem management plan;
 - Sediment and erosion control plan;
 - Water management plan
 - Invasive species management plan;
 - Waste disposal, storage and laydown areas management plan;
 - Air quality and dust control; and
 - Hazardous material control and spill response plan.
- Be prepared to respond to any requests for support with respect to environmental concerns and/or represent the Client in matters as they relate to the protection of the environment.

2.2 THE CLIENT

The Client's responsibilities for the Project are summarized below:

- Hire a qualified contractor and have them implement the measures and requirements found in this CEMP to ensure the protection of the environment during Project construction and in the post-construction period;
- Comply with all regulatory authorizations, permits, Acts and bylaws associated with the Project; and
- Communicate environmental concerns to the QEP and Town of Ladysmith.

3.0 REFERENCES LEGISLATION, GUIDELINES AND STANDARDS

The following documents, legislation, guidelines and standards were used in the review and development of this CEMP:

- *Town of Ladysmith Development Permit Areas*
 - *All relevant items associated with the required development permit application for the area.*

- Federal *Species at Risk Act* (SARA)
 - SARA Schedule 1 protects and provides for wildlife species that are listed as extirpated, endangered or threatened. The intention is to promote the recovery of species that have been impacted as a result of human activities¹.
 - Section 32 and 33 of the Act states that a person is prohibited to kill, harm, harass, capture or take in any way extirpated, endangered or threatened species and that no person shall damage or destroy their residence.
 - Section 34 of the Act outlines if Section 32 and 33 do or do not apply to certain species in provinces and if deemed applicable Section 36 outlines the prohibitions.
- Federal *Migratory Birds Convention Act*
 - The destruction of eggs and active nests of migratory birds is prohibited.
- BC *Wildlife Act*
 - As per Section 34 of the Act it is an offence for a person to possess, take, injure, molest or destroy a bird or its egg; the nest of an eagle *spp.*, peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), osprey (*Pandion haliaetus*), heron (*Ardeidae spp.*) or burrowing owl (*Athene cunicularia*); or the nest of a bird when the nest is occupied by a bird or its egg.
- National Guide to Erosion and Sediment Control on Roadway Projects, 2005 TACATC
- A Compendium of Working Water Quality Guidelines for BC (Ministry of Environment)
- BC Approved Water Quality Guidelines (Ministry of Environment)
- A Field Guide to Fuel Handling, Transportation and Storage (Ministry of Water, Land and Air Protection [MWLAP] and Ministry of Forests,)
- BC Contaminated Sites Regulation
- BC Environmental Assessment Act
- BC Environmental Management Act
- BC Ground Water Protection Regulation
- BC Hazardous Waste Regulation
- BC Spill Reporting Regulation
- BC Transportation of Dangerous Goods Act
- BC Water Regulation
- Canadian Environmental Protection Act
- Canadian Environmental Assessment Act

¹ Government of Canada. 2002. Species at Risk Act [S.C. 2002] c. 29. Queen's Printer Ottawa ON. Available at: <http://laws-lois.justice.gc.ca/eng/acts/S-15.3/page-1.html#h-1>. [Accessed: 23 March 2021].

4.0 HABITAT PROTECTION AND ECOSYSTEM MANAGEMENT

4.1 ENVIRONMENTALLY SENSITIVE HABITAT

The Town of Ladysmith Development Permit Area 6 – Riparian (DPA 6) sets out to protect fish bearing and non-fish bearing riparian areas with a set back of 30 m from the high water mark of a watercourse or water supply². A field assessment did not identify any watercourses or water supply within 30 meters of the Project's boundaries. Furthermore, a limited desktop review on fish, wildlife and ecosystems located within the Project footprint was conducted. The study was limited to online available resources and a field visit^{3 4 5}. The search determined that there were no mapped/fish-bearing watercourses within or adjacent to the Site. A Terrestrial Ecosystem Mapping (TEM) search on Habitat Wizard did indicate one ecosystem at risk (Grand fir/dull Oregon-grape) located within the Project boundary⁶. Habitat Wizard notes that discrepancies in the reliability of the ecosystem mapping may be present given the scale of the aerial images, out of date imagery and mapper error. Following TerraWest's Site visit on November 1st, 2022, it was concluded that the TEM is not applicable to the Site currently; the area had previously been prepared for development with clearing and grubbing activities being completed on-Site. As such, the Project is not permitted to cause disturbance to environmentally sensitive habitat.

4.2 TREE PROTECTION

All efforts will be made to protect mature trees from unnecessary cutting.

- Flagging/marking of trees for cutting vs protection should be clearly identified and communicated to all parties;
- Vehicle parking and turn around locations should be clearly identified and away from vegetated areas to prevent accidental impacts from vehicle traffic;
- Physical protection measures such as blankets may be necessary for high impact or hot work activities such as blasting, torching, or placement of rip rap.

² Town of Ladysmith, Development Permit Areas, Schedule A.1 of the Town of Ladysmith Official Community Plan. Accessible at: https://www.ladysmith.ca/docs/default-source/b-d---informational-documents-2021/schedule-a-1---development-permit-area-guidelines.pdf?sfvrsn=796adad_36

³ HabitatWizard. <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/ecosystems/habitatwizard>. Accessed October 2022.

⁴ BC Species & Ecosystem Explorer. <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/species-and-ecosystems-explorer>. Accessed October 2021.

⁵ An Introduction to the Ecoregions of British Columbia. 2011. https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/ecosystems/broad-ecosystem/an_introduction_to_the_ecoregions_of_british_columbia.pdf

⁶ HabitatWizard. <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/ecosystems/habitatwizard>. Accessed October 2022.

4.3 BIRD NESTING WINDOW

The breeding bird nesting window for the Project is March 15 to August 15, as defined by Environment and Climate Change Canada. If clearing or grubbing is planned to occur within this window, breeding bird nest surveys will be conducted by the QEP. The bird species outlined in Section 34 of the *BC Wild Life Act*, must be protected on-Site if encountered.

4.3.1 BIRD NEST SURVEY PROTOCOL

The QEP will conduct bird nest surveys and management planning. The following are protocols the EM will follow when conducting bird nest surveys on the Site:

- Bird nest surveys will be conducted within the first 3-4 hours after sunrise.
- Surveys should not be undertaken during periods of inclement weather or heavy wind in order to maximize the surveyor ability to detect nesting birds.
- Survey duration will be a minimum of 1 hour, with longer surveys according to habitat complexity.
- Surveys will be conducted within the clearing and grubbing limits, and up to 30 meters beyond these limits where feasible.
- If an active nest is identified in a proposed clearing area, a no-clearing buffer will be established by the QEP with an appropriate set back distance.
- The buffer distance will be based on bird species, location of nest etc. Table 1. below includes recommended minimum buffer distances.
- Clearing may proceed only after the QEP has determined that the nesting and fledging is complete and/or the nest is no longer active.

Table 1. Recommended Minimum Bird Nest Buffer Sizes

Bird species or Category	Recommended Minimum Buffer Size*
Songbirds	30 m radius
Ground Nesters, Cavity Nesters (raptors and woodpeckers/sapsuckers), Waterfowl and Shorebirds	30 m radius
Pileated Woodpecker	50 m radius
Raptors (stick nesters/non-cavity nesters)	100 m radius
Bald Eagle, Golden Eagle, Osprey, Peregrine Falcon, Northern Goshawk, Trumpeter Swan, Sandhill Crane	200 m radius

Great Blue Heron	300 m radius
------------------	--------------

* Buffer size will be determined by the QEP and may be greater than the minimum buffer size if deemed necessary.

5.0 MITIGATION MEASURES TO PROTECT THE ENVIRONMENT

The following sections outlines identified Best Management Practices (BMPs) as they apply to the proposed Project activities to mitigate potential environmental impacts and protect the environment.

5.1 EROSION & SEDIMENT CONTROL

A key Project objective is to reduce erosion and the mobilization of sediment due to Project-related activities and minimize the transport of sediment to the surrounding environment. This section will outline Erosion and Sediment Control (ESC) measures.

5.2 CONSTRUCTION ACTIVITIES

The following list of Project construction activities are identified as having the potential to result in erosion and the mobilization of sediment:

- Clearing and grubbing
- Excavation
- Stockpiling material

5.3 EROSION & SEDIMENT CONTROL MEASURES

The Client's contractor will implement erosion and sediment control measures to prevent the mobilization of sediment to the surrounding environment. Site specific control measures are included in Figure 2 and Appendix C. To minimize erosion and sediment transport, the following measures shall be implemented:

- Limit the area of disturbance to the immediate area of construction. Snow fencing or flagging can be used to delineate the Project site boundary if necessary. ESC measures will be in place prior to any construction activities;
- Maintain all Project site access locations with a focus on preventing the tracking of sediment by construction vehicles;
- Maintain natural drainage patterns and current drainage structures to the extent possible;
- Minimize surface water runoff on the Project site. Potential sources include excavation, stockpiling activities and precipitation events;

- Ensure that erosion and sediment control materials are available to be installed on-site as required. The contractor will maintain a supply of the following materials and make them readily available:
 - Silt fencing
 - Geotextile fabric including non-woven filter fabric
 - Crushed rock (angular, clean)
 - Pumps and hoses
 - Straw bales (free of invasive plants)
 - Polyethylene sheeting
 - Filter bag system
 - Rolled erosion control blanket
 - Catch basin inserts, donuts, and sediment logs
- Install silt fencing as necessary at the perimeter of the disturbed work areas and up-gradient slope areas to prevent the mobilization of sediment. Silt fencing installation is detailed in the BMP document included in Appendix C;
- Apply straw, if necessary, to erodible surfaces to prevent the mobilization of sediment to the receiving environment. Polyethylene sheeting can also be used to protect erodible surfaces;
- Ensure temporary material stockpiles, if necessary, are compacted and/or protected from rain and wind with Polyethylene sheeting or tarps;
- Remove, maintain, repair, and/or replace erosion and sediment control structures when deemed inefficient, exhausted, or no longer necessary; and
- During periods of significant rain, the site may be shut down to prevent erosion and the mobilization of sediment, as well as immediate efforts to contain runoff and erosion.

5.4 SEDIMENT FENCING

The following section contains information and measures for the use of sediment fencing as a perimeter control on the Site.

- Under the direction of the QEP, sediment fencing will be installed at the perimeter of the work area to prevent surface runoff from discharging off Site and/or to direct surface water to drainage ditches or structures;
- Sediment fencing will be installed around stockpiles as needed. The QEP and the contractor will assess the stockpiling location and type of material to determine if sediment fencing is required. If it is determined that sediment fencing is required for a stockpile location, it will be installed prior to periods of precipitation;
- Sediment fencing installation is detailed in the BMP document included as Appendix C. The QEP will inspect all installed fencing to ensure proper installation and notify the contractor of any deficiencies; and

- The QEP will inspect the sediment fencing on the Site to ensure that it is intact and that there are no gaps where the fence meets the ground or tears along the length of the fence. If deficiencies are identified, the EM will immediately inform the contractor.

5.5 CATCH BASIN PROTECTION

Catch basins near the Site that receive run off from the Project area should be protected to prevent the transport of sediment to the stormwater system and to the nearby aquatic environment. The following measures will be taken to protect catch basins.

- The contractor will install and maintain protection measures at catch basins where applicable on the Site. Methods include catch basin inserts, catch basin donuts, sediment logs, and sandbag barriers. The catch basin inserts can be preferable because they minimize flooding/pooling of water around the inlet. Figure 1 below shows examples of a catch basin insert, donut and sediment log and Appendix C includes a BMP document outlining the installation of inlet protection measures.



Figure 1. Catch basin inlet protection examples. From left to right: catch basin insert, donut and sediment log.

5.6 SEDIMENT-LADEN WATER TREATMENT

The following measures if applicable will be employed to treat sediment-laden water if generated on Site:

- The QEP will assess Site areas for potential locations to discharge sediment-laden water for bio-infiltration. If a low-lying vegetated area is identified, the QEP will notify the Contractor that sediment-laden water can be discharged to the area. If used, the QEP will monitor the area during discharge to ensure all water infiltrates to ground and no sediment-laden surface water leaves the work area. The contractor will not pump water off-Site without prior landowner permission.
- In the event that water has been identified to be impacted by sediment, a flocculant injection tube and dewatering bag can be used to treat the water for

discharge off-Site. The water will be pumped through a flocculant injection tube and into the dewatering bag and then directed or pumped to the discharge location. Please see Figure 4 below for a diagram of treatment system. The QEP will monitor and sample the discharge from the dewatering bag to ensure it meets applicable water quality standards. The MSDS for the flocculant used in the system will be available for distribution and made available on Site.

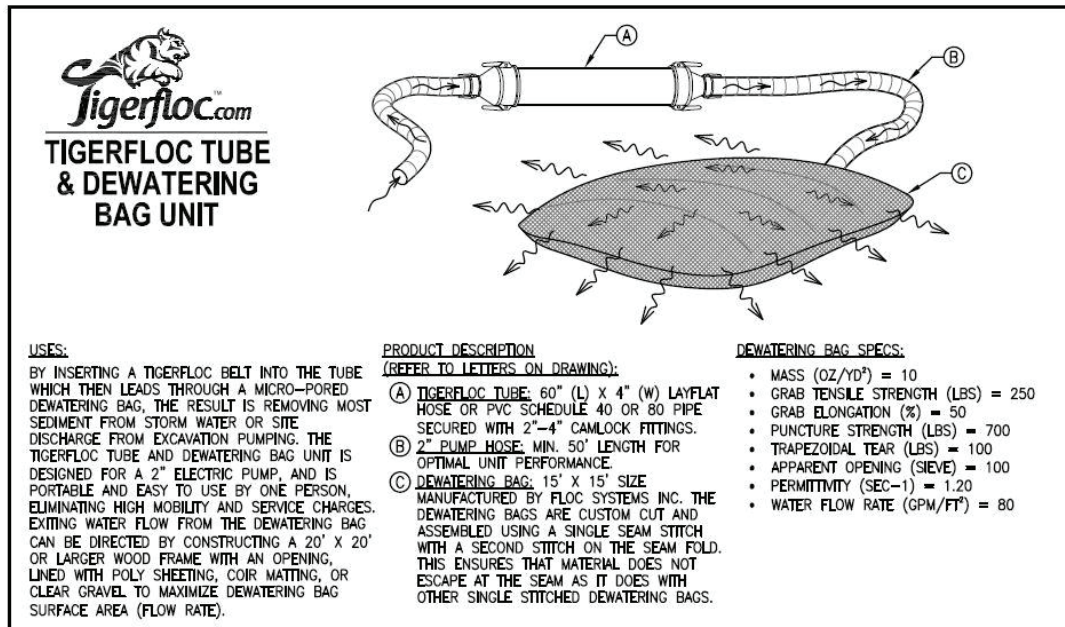


Figure 2. Flocculant injection system and dewatering bag.

5.7 CLEARING AND GRUBBING

Clearing and grubbing works will occur on the Site. Vegetative boundaries will be flagged and established. All flagged work area boundaries will be maintained throughout the duration of the Project. All options will be exercised to ensure that the extent of excavation works will be limited to the minimum required area to complete the planned construction activities.

The following Best Management Practices will help limit the impact of any excavation operations deemed necessary for this Project;

- No vegetation clearing will commence within the breeding bird nesting window until the QEP has completed at least one breeding bird nesting survey;
- No burning is permitted in the Project Area;
- Barriers shall be installed to protect and highlight the areas where vegetation is to be retained;

- Prepare traffic routes in such a way to minimize damage to tree roots and vegetation;
- Clearing and grubbing should be scheduled during dry weather;
- If excavation operations are necessary on hillsides or slopes, schedule the operations into a timing window of minimal precipitation to avoid or minimize erosion, sedimentation, and slope failures;
- Delineate tree drip lines for trees that are to be retained and identify those lines by marker tape or other means and avoid or limit works in these zones;
- Earthworks and stabilization plans must be prepared and implemented as follow up activities upon completion of operations in these zones; and
- Exposed soils should be seeded or covered with other erosion control measures during non-germination periods.

5.8 MAINTENANCE & MONITORING OF EROSION & SEDIMENT CONTROL MEASURES

The erosion and sediment control measures and practices outlined in this section should be implemented by the Client's contractor prior to the commencement of construction activities.

The contractor is responsible for the installation and maintenance of erosion and sediment control measures for the duration of the Project. Throughout the Project duration, the contractor will inspect the Project site to ensure that the controls are installed correctly, are functioning, and identify the need for erosion sediment control amendments and/or additional measures.

6.0 WATER MANAGEMENT

This section outlines measures for the management of water encountered during Project construction.

6.1 SURFACE WATER MANAGEMENT

Sediment-laden surface water and other deleterious substances generated during construction will be prevented from entering sensitive aquatic environments. All watercourses, surrounding ditches, and stormwater catch basins will be protected from water impacted by construction activities.

The QEP will work to evaluate the effectiveness of on-site water management and will provide advice to the contractor on maintaining and/or improving water management measures. The QEP will conduct in-situ water quality testing if necessary as outlined in this CEMP.

6.2 SURFACE WATER QUALITY PROTECTION

To ensure the protection of surface water quality the following measures will be implemented.

- Erosion and sediment control and site drainage measures will reduce the risk of sediment-laden water from entering sensitive aquatic environments;
- Water released from construction areas will not be directly discharged off-site unless it meets applicable water quality guidelines as determined by the QEP. If necessary, impacted water will be held in a temporary holding system, to enable testing of water prior to discharge. Sediment laden water may be discharged to low-lying vegetated areas to promote bio-infiltration with the permission of surrounding landowners;
- Drainage structures will be regularly inspected, maintained and periodically cleaned to ensure they are free draining; and
- Construction activities will be stopped in areas of erodible soils during heavy precipitation if increased turbidity of discharge water cannot be mitigated.

7.0 INVASIVE PLANT MANAGEMENT

This section of the CEMP details management practices to prevent the introduction and/or spread of invasive plant species.

7.1 INVASIVE PLANT SPECIES

Known noxious weeds and invasive species are likely to be encountered during the project. The latest version of BC's Guide to A GUIDE TO NOXIOUS WEEDS AND OTHER SELECTED INVASIVE PLANTS OF BRITISH COLUMBIA, 11TH EDITION should be reviewed for on-site identification.

7.2 MITIGATION MEASURES FOR THE PREVENTION OF INVASIVE PLANT INTRODUCTION

The potential for introduction and/or spreading of noxious weeds from proposed Project works is considered to be low. The following list includes work activities considered to have the potential invasive plant introduction or spreading:

- Mobilization of machinery contaminated with plant material from previous work locations to the work area;
- Import of contaminated organic or organic mix soils (if required); and
- Restorative seeding works with contaminated seed mix.

The following measures will be implemented to reduce risk of introduction and spread of invasive plants:

- The work area should be inspected for invasive plants prior to construction activities;
- Remove invasive species immediately upon discovery including all root structures and associated topsoil;
- Machinery utilized for invasive plant and associated soil removal will have points of contact cleaned at the site of removal before remobilization to other sites; and
- The Client's contractor will clean all earthworks machinery prior to mobilization to site, including caked soils and vegetation fragments.

8.0 CONSTRUCTION WASTE MANAGEMENT

Hazardous materials, Dangerous Goods, Controlled Products, and wastes generated during the completion of the Project shall be stored, used, transported, and disposed of according to applicable laws and regulations, including the BC Hazardous Waste Regulation, Transportation of Dangerous Goods, and the Occupational Health and Safety Regulation. The proper handling and storage of hazardous materials will minimize accidental loss and allow for adequate spill containment and recovery should a spill occur during site works.

8.1 HAZARDOUS MATERIALS INVENTORY

The following hazardous materials are anticipated to be on-site during the project:

- Flammable and/or combustible fuels (i.e. gasoline and diesel); and
- Waste oils that might be generated during emergency equipment servicing.

8.2 HYDROCARBON AND HAZARDOUS MATERIALS HANDLING PROCEDURES

The following procedures should be adhered to for the duration of the project:

- Fuel products will be transported and distributed via "tidy-tanks", equipped on contractor vehicles; no additional fuel products from the contractor will be stored on-site;
- Contractor shall ensure that Project personnel are adequately trained in the handling and transportation of dangerous goods and controlled products and have the appropriate Personal Protective Equipment (PPE) to carry out such activities;
- Refuelling and equipment maintenance will occur on stable ground, preferably on impermeable surfaces and at least 30m from water;
- Absorbent pads or drip trays shall be used to catch leaks and drips from fuelling operations; fill nozzles shall remain inverted during transfer from storage tank to fill spout to minimize spillage; a spill kit will be accessible during fuelling operations;

- Waste oils generated from emergency equipment maintenance shall be stored in sealable steel drums meeting Transportation and Dangerous Goods Act requirements, for immediate pick-up and disposal; disposal drums shall be adequately labelled as per WHMIS requirements;
- Waste oils shall be disposed of by a qualified transporter;
- Regular equipment maintenance shall not be conducted on-site. On-site maintenance shall only be conducted on an emergency or absolute requirement basis and if conducted on-site it shall be conducted on stable ground at a minimum of 30m from water;
- Vehicles and equipment shall be inspected daily to ensure they are free of leaks and in good working order; and
- Material Safety Data Sheets (MSDS) shall be available on-site for all hazardous materials.

8.3 RECYCLABLE WASTE

Recyclable waste such as cardboard, wood, and approved plastic will be sorted out and stored in appropriate, clearly identified containers. The contractor will dispose of recyclable waste at an appropriate facility.

8.4 NON-RECYCLABLE WASTE

Non-recyclable solid wastes generated during the Project including general refuse, replacement air filters, construction debris, and surplus oil requiring disposal off-site will be disposed of at appropriate facilities or landfills. Only facilities/landfills authorized to accept the specific products requiring disposal shall be used.

8.5 ANIMAL ATTRACTANTS

The contractor will place all animal attractant wastes such as food scraps in animal-proof containers and will ensure that these wastes are removed on a regular basis from the Project site.

8.6 PORTABLE TOILETS

If used for the Project, portable toilets will be maintained regularly and placed in a location away from any water. Effluent from toilets will be removed from the site and disposed of at an appropriate treatment facility. Portable toilets will be tied down or anchored, such that they cannot be blown or tipped over, under reasonable conditions.

9.0 AIR QUALITY AND DUST CONTROL

9.1 DUST CONTROL

Construction works on the Project have the potential to produce dust and affect air quality. The following measures should be followed to ensure air quality is not adversely affected during Project works:

- Minimize stockpile handling during dry periods;
- Trucks sourced to haul excavated and stockpiled soils from the site will be equipped with moveable fabric bed covers that are to be utilized to keep the wind off loads;
- Unfinished road surfaces should be sprayed with water when dry conditions and high traffic is expected;
- Implement erosion and sediment controls outlined in Section 5.0; and
- Surfactants for dust suppression are not authorized for this project.

10.0 SPILL PREVENTION AND RESPONSE

It is the contractor's responsibility to minimize the potential of a hydrocarbon spill or release of other hazardous materials to the surrounding receiving environment. This section will outline best management practices for spill prevention and spill response.

10.1 ANTICIPATED CAUSES OF SPILLS

The following conditions/activities have the potential to lead to spills on the Project site:

- Poor condition of fuel storage tanks;
- Diesel/gasoline spillage from refuelling of machinery;
- Hydrocarbon lubricant, hydraulic fluid, and/or glycol coolant spillage from onsite machinery maintenance;
- Hydraulic line rupture from active machine works;
- Coolant spillage from overheating;
- Vehicle/machinery accidents, tipping, roll-over, and/or collision; and
- Vehicle/machinery collisions with fuel/lubricant storage facilities, rupturing tanks, drums, pails, etc.

10.2 SPILL PREVENTION BEST MANAGEMENT PRACTICES

The followings BMPs should be followed by Project personnel to reduce the risk of spills:

- The Contractor should follow the hydrocarbon handling procedures outlined in Section 8.2 of this report;

- All fuel storage tanks will be inspected and leaking tanks or tanks in poor condition will not be permitted for use;
- The contractor will conduct daily visual inspections on all equipment such as containment receptacles, pumps, hoses, and staging gear. Identified problems corrected immediately;
- All machinery and/or passenger vehicles mobilized to the Project work area will be in sound working condition and good repair;
- No onsite fuel storage tanks and/or fuel, hydraulic fluid, hydrocarbon lubricant, and glycol coolant storage on-Site;
- All large machinery, service trucks, fuel trucks, and any passenger vehicles fitted with portable fuel tanks ("tidy tanks") will be fitted with a portable spill kit;
- Site spill kits will be routinely inspected to ensure depleted stocks are replenished; and
- If soil contamination from a spill occurs, the soil will be contained, protected from precipitation, removed from site as soon as possible and taken to an appropriate disposal facility.

10.3 SPILL RESPONSE AND REPORTING

In the event of a spill the contractor and Project personnel will immediately take the necessary steps to respond to and appropriately report on the event to the Client and appropriate agencies.

10.3.1 SPILL RESPONSE PLAN

A Spill Response Plan is included as Appendix A of this report. In the event of a spill the Spill Response Plan should be followed.

10.3.2 SPILL NOTIFICATION AND REPORTING

The following measures should be taken to appropriately notify and report on a spill if one occurs:

- The spill observer will contact the site superintendent or representative immediately. If situation merits, Ladysmith Fire Rescue, 330 6 Ave, Ladysmith, BC is located within 1.2 km of the project site and would be the nearest first responder/emergency response assets in the area;
- All spills of any quantity will be reported to the Town's Environmental Representative; and
- A spill exceeding the B.C. Provincial Emergency Program's (PEP) reportable quantities or spill to a aquatic receiving environment should be immediately reported to the PEP's hotline (**800-663-3456**), and the Town's Environmental

Representative. The incident will be reported in an EIR, see Appendix B. Please see table below for reportable quantities.

REPORTABLE SPILL QUANTITIES	
Class 2.1 Flammable Gas (e.g. propane, acetylene, hydrogen)	10 kg
Class 2.2 Non-Flammable or Non-Toxic Gas (e.g. SF ₆ , CO ₂ , halon, refrigerants)	10 kg
Class 2.3 Toxic Gas (e.g. ammonia, chlorine)	5 kg
Class 3 Flammable Liquids (e.g. diesel, solvent, gasoline)	100 L
Class 8 Corrosive Liquids (e.g. acids, caustics, mercury)	5 kg
Pesticides and Herbicides	5 kg or L
Oil and Waste Oil	100 L
Leachable toxic waste (e.g. antifreeze)	25 kg
PCBs	Any amount
Asbestos	25 kg
Other Substances	Contact EM and MOTI
☼ ALL SPILLS TO A WATERCOURSE ARE REPORTABLE TO PEP ☼	

11.0 PROJECT EMERGENCY CONTACT LIST

The following list can be used in the event of an environmental emergency. Additional Project contacts will be updated within this Plan as they change or become available.

Project Personnel or Agency	Name	Phone Number	Email
Contractor's Qualified Environmental Professional (TerraWest Environmental)	Derek Nickel (R.P.Bio.)	250-216-4313	dnickel@terrawest.ca
Contractor Manager/Site Superintendent	TBD	TBD	TBD
	TBD	TBD	TBD
Town of Ladysmith	TBD	TBD	TBD
BC Provincial Emergency Program (spill reporting)	NA	800-663-3456	NA
Ladysmith Fire Rescue	Chris Geiger (Fire Chief)	250-245-6400	cgeiger@ladysmith.ca

12.0 DISTRIBUTION & REVISIONS

The Client and their contractor are responsible to dispatch copies of this CEMP to the Project team and ensure they are kept apprised of any amendments. It is the responsibility of the Client and their contractor to ensure that all persons engaged in this Project are aware of the Project's environmental aspects, responsibilities, and liabilities. A copy shall be kept on the Project site at all times for reference and produced upon request. The CEMP shall be treated as a 'living' document and may be amended as needed throughout the duration of the Project. Revised copies of the CEMP shall be distributed to the appropriate parties if changes are made.

Prepared by:



Derek Nickel, B.Sc., R.P. Bio
Project Biologist

Prepared by:

A handwritten signature in blue ink that reads 'Stormy Kirkland'.

Stormy Kirkland, B.Sc., R.B.Tech.(Trainee)
Environmental Technologist

FIGURES

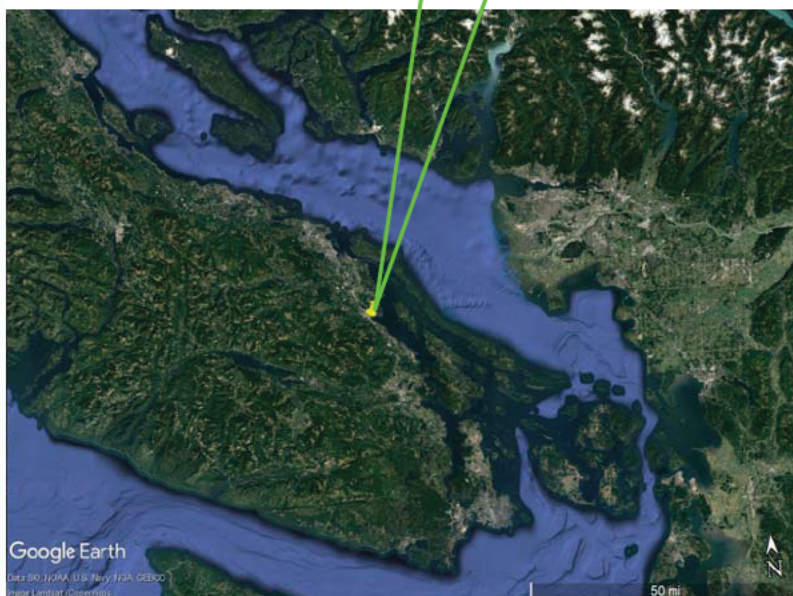


FIGURE 1. SITE LOCATION

CLIENT: HAYME HOLDINGS LTD.
 LOCATION: 416 SOUTH COLONIA DRIVE, LADYSMITH, BC
 PROJECT: HHCD23-01
 DATE: NOVEMBER 2022
 CREATED BY: SK

LEGEND

— — — SITE BOUNDARY

THIS FIGURE IS SUBJECT TO THE SAME LIMITATIONS OUTLINED IN THE REPORT BODY.
 THIS FIGURE IS FOR INTERPRETATION ONLY AND IS INTENDED TO BE VIEWED IN COLOUR ON 8 1/2 X11 SIZED PAPER.
 THE BOUNDARIES AND SCALE DEPICTED ARE APPROXIMATE.
 SOURCE: GOOGLE EARTH

APPENDIX A.
GENERIC SPILL RESPONSE PLAN

Spill Response Plan

If a spill of fuels, oils, lubricants or other harmful substances occurs, the following procedures are to be implemented.

Response Steps

1. ENSURE SAFETY 2. STOP THE FLOW (if possible) 3. SECURE THE AREA
4. CONTAIN THE SPILL 5. NOTIFY/REPORT (PEP 1-800-663-3456) 6. CLEAN-UP

1. ENSURE SAFETY

- Ensure Personal/Public and Environmental Safety
- All onsite personnel wear appropriate Personal Protective Equipment (PPE)
- Determine the product spilled and circumstances before taking action
 - Warn people in the immediate vicinity
- Ensure no ignition sources if spill is a flammable material

2. STOP THE FLOW (if possible)

- Close valves, shut off pumps or plug holes/leaks
 - Stop the flow or the spill at its source
- Use appropriate response materials in spill kits if applicable

3. SECURE THE AREA

- Limit access to the spill area
- Prevent unauthorised entry onto the site

4. CONTAIN THE SPILL

- Block off and protect drains and culverts
- Prevent spilled material from entering drainage structures
 - Use spill sorbent material to contain the spill
- If necessary, use a dyke or any other method to prevent any discharge on site
 - Make every effort to minimize contamination

5. NOTIFY/REPORT

- Notify site supervisor
- When necessary, the first external call should be made to:
Provincial Environmental Emergency Program (EEP) 1-800-663-3456

5. CLEAN UP

- Clean up spill according to applicable regulations and best management practices

APPENDIX B.
ENVIRONMENTAL INCIDENT REPORT FORM

ENVIRONMENTAL INCIDENT REPORT FORM

Date of incident:

Approximate time of incident:

Weather:

Location of Incident:

Detailed description of incident, events and causes:

Persons involved in the incident:

Person(s) contacted/notified :

Provincial Emergency Program notified?
PEP case #:

MOE or MFLNRO Notified (if directed by PEP)?

Potential Environmental Impacts:

Mitigation and/or Clean-up Efforts:

Name and signature:

APPENDIX C.

SELECT ESC MEASURES FROM TAC-ATC BMPs

Mulching

***Erosion Control:
Exposed Surface Protection – Vegetated***

BMP3

Description and Purpose

- Application of organic material or other normally biodegradable substances as a protection layer to the soil surface to:
 - minimize raindrop/runoff erosion and conserve a desirable soil moisture property for plant growth; and
 - promote seed germination and plant growth
- Mulches conserve soil moisture, reduce runoff velocities and surface erosion, control weeds, help establish plant cover, and protect seeds from predators, raindrop impact, and wind/water erosion

Applications

- Can be used to provide temporary and permanent erosion control
- Can be used as an organic cover or growth medium for seeds where topsoil is not readily available
- May be used with or without seeding in areas that are rough graded or final graded
- May be applied in conjunction with seeding to promote plant growth
- May comprise organic mulches (such as straw, wood fibres, peat moss, wood chips, pine needles, compost) or chemical mulches (such as vinyl compounds, asphalt, rubber, or other water-mixed substances)
- Chemical mulches may be used to bind other mulches in a hydroseeding-hydromulching application

Advantages

- Relatively cheap method of promoting plant growth and slope protection

Limitations

- Application of mulch may be difficult on steep slopes
- May require spray-on method to apply mulch with tackifier to provide adhesion to steep slopes

Installation

- Prepare soil surface by removing large rocks or other deleterious materials
- Apply topsoil and seed, if required, subject to topsoil availability
- Apply mulch as per supplier's recommendations
- Certain mulches may require additional anchoring to minimize loss of mulch due to wind or water erosion

Mulching

Erosion Control: Exposed Surface Protection – Vegetated

BMP3

Construction Considerations

(Note: The following method is provided for guidance only. A site-specific design by a qualified designer is required.)

- Install mulches as per manufacturer or supplier recommendations
- Mulches may be crimped into the ground using a disk or tracking method to prevent movement by blowing wind or water
- Organic Mulches
 - Straw
 - Refers to stalks or stems of small grain (primarily wheat) after drying and threshing
 - Straw should be free of weeds
 - Loose straw is very susceptible to movement by blowing wind and water runoff and should be anchored either with chemical tackifier or some form of netting
 - When properly secured to surface, straw is highly suitable for promoting good grass cover quickly, however, it may be a fire hazard in dry conditions
 - Raw Wood Fibre
 - Mixture of cellulose fibres a minimum of 4 mm in length extracted from wood
 - Wood fibres usually require a soil binder and should not be used as erosion control during periods of hot dry weather in the summer or for late fall seeding unless it is used in conjunction with another suitable mulch as it is prone to removal by blowing wind or water runoff
 - Wood fibre is primarily used in hydroseeding-hydromulching operations where it is applied as part of a slurry and when used in conjunction with a tackifier, it is well suited for tacking straw mulch on steep slopes
 - Peat Moss
 - Comprises partly decomposed mosses and organic matter under conditions of excessive moisture
 - Usually available in dried and compressed bundles
 - Should be free of coarse material
 - Useful soil conditioner to improve organic content of soil promoting plant growth
 - Highly susceptible to removal by blowing wind and water runoff if dry and spread on top of soil
 - Should be tested for pH prior to use; may require a soil amendment to prevent acidity from inhibiting vegetation growth
 - Wood Chips
 - By-products of timber processing comprised of small, thin pieces of wood
 - Decompose slowly
 - Suitable for placing around individual plants (shrubs and trees) and for areas that will not be closely mowed

Mulching

Erosion Control:

Exposed Surface Protection – Vegetated

BMP3

- Highly resistant to removal by blowing wind and water runoff
- Bark Chips (Shredded Bark)
 - By-products of timber processing comprised of small, thin pieces of tree bark
 - Suitable for areas that will not be closely mowed
 - Have good moisture retention properties and are resistant to removal by blowing wind and water runoff
- Pine Needles
 - Comprise needles from coniferous trees (pine, spruce)
 - Needles should be air dried and free of coarse material
 - Decompose slowly
 - Suitable for use with plants that require acidic soils
 - Resistant to removal by blowing wind and water runoff
 - Pine needles may inhibit growth of other vegetation
- Compost (Straw Manure)
 - Comprised of organic residues and straw that have undergone biological decomposition until stable
 - Should be well shredded, free from coarse material, and not wet
 - Has good moisture retention properties and is suitable as a soil conditioner promoting plant growth
 - Relatively resistant to removal by blowing wind and water runoff if not dried out completely
- Chemical Mulches
 - Comprised of acrylic co-polymers, vinyl compounds, asphalt, rubber, or other substances mixed with water
 - Usually used in hydroseeding-hydromulching applications
 - Should be applied in accordance with supplier's recommendations

Inspection and Maintenance

- Inspect mulched areas at least once per year or after significant storm events (1:2 year storm and/or 40 mm rainfall in 24 hours)
- Areas damaged by washout or rilling should be regraded if necessary and recovered with mulch immediately
- Additional stormwater control measures should be considered for areas of severe rilling erosion damaged by runoff
- Small bare spots may need to be reseeding and recovered with mulch

Similar Measures

- Topsoiling
- Hydraulic seeding and mulching (hydroseeding, hydromulching)
- Rolled erosion control products (RECP)

Hydroseeding-Hydromulching

Erosion Control:

Exposed Surface Protection – Vegetated

BMP4

Description and Purpose

- The spraying-on of a slurry to a slope or channel surface to provide a layer of seed and growth bedding medium
- The slurry consists of seed, fertilizer, mulch, tackifiers, and water which are mixed together in a tank
- Enables quick re-vegetation of very steep or rocky/gravelly slopes where re-vegetation by any other method would be very difficult or unsafe; frequent re-seeding and special mix design may be required
- When sprayed on the soil, the slurry forms a continuous blanket with seeds and protects the soil from wind and water erosion and raindrop impact by aggregating (or adhering) them in place
- The slurry conserves moisture, reduces soil moisture evaporation, and decreases soil surface crusting due to evaporation/drying of soil

Applications

- Can be used to provide temporary erosion control prior to establishment of permanent vegetation
- Slurry is held in suspension through consistent agitation and is sprayed onto disturbed areas using high pressure pumps
- Can be used for spray-on seeding covering large areas efficiently after placement of topsoil
- May be used to provide soil stabilization for seeding disturbed soil areas
- Can also be used with higher efficiency and large area coverage with advantages over conventional methods (broadcast seeders, drill seeders)
- Can be used in areas where little topsoil is available

Advantages

- Relatively cheap and efficient spraying method of seeding and promoting plant growth as well as erosion protection
- Allows spray-on re-vegetation of steep slopes where conventional re-vegetation methods are very difficult
- Minimizes effort required to re-vegetate disturbed areas as hydroseeding-hydromulching usually only requires one spray-on operation in comparison with planting and farrow method
- Relatively efficient operation with high coverage rates
- Provides dust control and protection from wind erosion

Limitations

- Site must be accessible to hydroseeding-hydromulching equipment
 - Usually mounted on trucks
 - Maximum hose range of approximately 150 m
- May require subsequent spraying to reseed bare spots or areas with low growth

Construction

(Note: The following method is provided for guidance only. A site-specific design by a qualified designer is required.)

- Prepare soil surface by removing large rocks or other deleterious materials
- Apply topsoil if available
- Spray on hydroseed-hydromulch as per supplier's recommendations

Construction Considerations

- Seed
 - Selected seed mixes must be appropriate for site specific conditions
 - Some jurisdictions have developed recommended seed mixes for specific regions based on historic performance results
 - Qualified agronomists or agrologists should be consulted if a suitable seed mix is not identified
- Hydraulic Mulches
 - Cellulose
 - Comprised of recycled paper from newspapers, magazines, or other paper sources
 - Rapid method for applying seed, fertilizer, mulch, and water in almost any disturbed areas
 - Usually installed without tackifier in slurry
 - Short fibre lengths and lack of tackifier limits erosion control effectiveness and does little to moderate moisture content and temperature within the soil
 - Residual inks within the recycled paper may leach into soil, which may present a problem in environmentally sensitive areas
 - Longevity significantly shorter than for wood fibre mulches or bonded fibre matrices (BFM)
 - Cheaper than wood fibre mulches and BFM
 - Wood Fibre
 - Comprised of whole wood chips
 - Industry standard, provides quick and uniform method and medium for re-vegetating large areas quickly and economically

Hydroseeding-Hydromulching

Erosion Control:

Exposed Surface Protection – Vegetated

BMP4

- Longer fibre lengths than for cellulose mulches
- Longer lasting and has better wet-dry characteristics than cellulose mulches
- Provides limited erosion control even when sprayed on with tackifiers
- Provides limited moderation of soil moisture content and temperature when applied at higher rates
- Cheaper, but less effective than, BFM
- More expensive, and more effective than, cellulose mulches
- Bonded Fibre Matrices (BFM)
 - Slurry comprised of either cellulose mulch, wood fibre mulch, or a combination of the two
 - Mulches are bound together using chemical bond, mechanical bond, or a combination of the two
 - All fibres and binding agents are premixed by the manufacturer, ensuring uniformity and consistency throughout the application
 - Well suited for sites with existing desirable vegetation and where worker safety and minimal ground disturbance are desired
 - Degree of protection is similar to that obtained from rolled erosion control products (RECP)
 - Quicker installation than for RECP
 - Chemically bonded BFM may require a 'set-up' or curing/drying period
 - Application must be limited to periods where there is no threat of rain during curing period
 - Mechanically bonded BFM have no curing time and are effective immediately after application
 - Application on dry soils is not recommended
 - More expensive, and more effective, than cellulose and wood fibre mulches
- Tackifiers
 - May include vinyl compounds, asphalt, rubber, or other water-mixed substances

Inspection and Maintenance

- Inspect hydroseeded-hydromulched areas at least once per year after initial application or after significant storm events (1:2 year storm and/or 40 mm rainfall in 24 hours)
- dyes in the mulch can be used for control of the coverage of the mulch; also important in inspection
- Areas damaged by runoff may need to be repaired and protected
- Small bare spots may need to be reseeded

Similar Measures

- Seeding
- Mulching
- Rolled erosion control products (RECP)

Rolled Erosion Control Products (RECP)

BMP12

***Erosion Control:
Exposed Surface Protection – Non-Vegetated***

Description and Purpose

- Biodegradable or synthetic soil coverings used for temporary or permanent protection of disturbed soils at slopes and channels
- Categories of Rolled Erosion Control Products (RECP) can be:
 - Erosion control blankets (ECB) (generally biodegradable and temporary)
 - Turf reinforcement mats (TRM)
 - Composite turf reinforcement mats (C-TRM)
- RECP may be manufactured of organic material, synthetic material, or as a composite of organic and synthetic materials
- Protect disturbed soils from raindrop impact and surface runoff erosion, increase water infiltration into soil, retains soil moisture and decreases evaporation loss
- Protect seeds from raindrop impact, runoff, and predators
- Stabilize soil temperature to promote germination and enhance vegetation growth

Applications

- Temporary or permanent measure
- May be used to protect disturbed, exposed soils for cut or fill slopes at gradients of 2.5H:1V or steeper
- May be used on slopes where erosion potential is high
- May be used on slopes where vegetation is likely to develop slowly
- May be used to protect disturbed exposed soils in ditches and channels by providing additional tractive resistance cover in conjunction with high density vegetative growth

Advantages

- Degree of erosion protection is higher, more uniform, and longer lasting than for sprayed-on products (e.g. mulches)
- Wide range of available temporary (biodegradable) or permanent products

Limitations

- Non-performance of RECP may result from the following:
 - Low density vegetation growth (beneath RECP) due to non-favorable weather and growth conditions (i.e. soil type, moisture, storm events at critical times). The effectiveness of RECP, especially along channels, is dependent on successful vegetation growth. It is important that the designer assess the effectiveness of RECP for site-specific soil, terrain and vegetation growth conditions.
 - Hydraulic uplift of RECP and erosion of underlying soils can occur under rapid snow melt conditions when dammed melt water generates a hydraulic head and high flow velocity in a constricted snow melt channel. This situation can occur along steep channels interlaced with drop structures and with RECP lining installed in between the drop structures. Ponding of melt water and non-anchored

Rolled Erosion Control Products (RECP)

BMP12

Erosion Control:

Exposed Surface Protection – Non-Vegetated

RECP joint areas allow flow entry beneath the RECP and generate hydraulic heads to uplift the RECP. This can occur along un-anchored edges of RECP at upper edges of ditch when snow melt occurs at tops of ditch and flow beneath the RECP. This is especially critical when underlying soil is easily erodible. It is important to trench-in and anchor the edges of the RECP installations and installed anchor pin (staples) at sufficient frequent intervals.

- Ice buildup from groundwater seepage can uplift and dislocate the RECP and cause flow beneath the RECP to erode the substrate soils. Winter ice accumulation may be related to groundwater regime and investigative design on subsurface drainage by a geotechnical engineer is required.
- Can be labour intensive to install
- Must be installed on unfrozen ground
- Temporary blankets may require removal before permanent measures are installed
- Rolled erosion control products (RECP) are not suitable for rocky sites
- Proper surface preparation is required for intimate contact between blanket and soil
- Plastic sheeting can be used at sensitive slopes with precautions:
 - Plastic sheeting RECP product can be easily torn, ripped, non-biodegradable, and should be disposed of in a landfill
 - Plastic sheeting product, if used, results in 100% runoff, thus increasing erosion potential in downslope areas receiving the increased flow volumes
 - Plastic sheeting should be limited to temporary covering of sensitive soil stockpiles or temporary covering of small critical unstable slope areas

Construction (Slopes)

(Note: The following method is provided for guidance only. A site-specific design by a qualified designer is required.)

- RECP should be installed in accordance with manufacturers directions
- The following is a general installation method:
 - Prepare surface and place topsoil and seed
 - Surface should be smooth and free of rocks, debris, or other deleterious materials
 - Blanket should be anchored at top of slope in a minimum 0.15 m by 0.15 m trench for the entire width of the blanket
 - The blanket should be rolled out downslope
 - Where the blanket roll is not long enough to cover the entire length of the slope, a minimum 0.15 m by 0.15 m check slot should be excavated at the location of the lap, and the downslope segment of blanket anchored in the check slot, similar to the method used for the top of the slope, or (2) when blankets, must be spliced down the slope, place blanket end over end (shingle style) with approximately 0.10 m overlap. Staple through overlapped area at 0.3 m intervals.

Rolled Erosion Control Products (RECP)

BMP12

Erosion Control:

Exposed Surface Protection – Non-Vegetated

- The upslope portion of blanket should overlap the downslope portion of blanket, shingle style, at least 0.15 m with staple anchors placed a maximum 0.3 m apart
- Adjacent rolls of blanket should overlap a minimum 0.1 m
- Anchors should be placed along central portion of blanket spaced at 4/m² minimum (0.5 m spacing) for slopes steeper than 2H:1V and 1/m² (1 m spacing) for slopes flatter than 2H:1V
- Anchors along splices between adjacent rolls should be placed 0.9 m apart

Construction (Channels)

(Note: The following method is provided for guidance only. A site-specific design by a qualified designer is required.)

- A blanket should be installed in accordance with manufacturers directions
- The following is a general installation method:
 - Prepare surface and place topsoil and seed
 - Surface should be smooth and free of large rocks, debris, or other deleterious materials
 - Begin by excavating a minimum 0.15 m deep and 0.15 m wide trench at the upstream end of channel and place end of RECP into trench
 - Use a double row of staggered anchors approximately 0.1 m apart (i.e. 0.2 m linear spacing) to secure RECP to soil in base of trench
 - Backfill and compact soil over RECP in trench
 - Roll centre RECP in direction of water flow on base of channel
 - Place RECP end over end (shingle style) with a minimum 0.15 m overlap downgrade
 - Use a double row of staggered anchors approximately 0.1 m apart to secure RECP to soil
 - Full length edge of RECP at top of sideslopes must be anchored in a minimum 0.15 m deep and 0.15 m wide trench
 - Use a double row of staggered staple anchors a maximum of 0.1 m apart (i.e. 0.2 m linear spacing) to secure RECP to soil in base of trench
 - Backfill and compact soil over RECP in trench
 - Overlap RECP on sideslopes (shingle style down channel) a minimum of 0.1 m over the centre RECP and secure RECP to soil with anchors spaced a maximum of 0.2 m apart
 - In high flow channels, a check slot across the width of the channel is recommended at a maximum spacing of 10 m to anchor the ends of the RECP to the underlying soil
 - Use a double row of staggered staple anchors a maximum of 0.1 m apart (0.2 m linear spacing) to secure RECP to soil in base of check slot

Rolled Erosion Control Products (RECP)

BMP12

Erosion Control:

Exposed Surface Protection – Non-Vegetated

- Backfill and compact soil over RECP in check slot
- Anchor terminal ends of RECP in a minimum 0.15 m deep and 0.15 m wide trench
 - Use a double row of staggered anchors a maximum of 0.1 m apart (i.e. 0.2 m linear spacing) to secure RECP to soil in base of trench
- Backfill and compact soil over RECP in trench

Construction Considerations

- Slopes should be topsoiled and seeded prior to placing RECP
- Ensure blanket is in intimate contact with the soil by properly grading soil, removing rocks or deleterious materials, prior to placing blanket
- In channels, blankets should extend above the anticipated flow height, with a minimum 0.5 m of free board
- For turf reinforcement mat (TRM), blanket should be placed immediately after topsoiling
- Blanket should be anchored by using wire staples, metal geotextile stake pins, or triangular wooden stakes
 - All anchors should be a minimum of 0.15 to 0.20 m in length
 - For loose soils, use longer anchors
- Blankets should be placed longitudinal to direction of flow, with fabric not stretched but maintaining contact with underlying soil
- It is essential to understand product specifications and follow manufacturers instructions on installation methods

Product Quality Assurance/Quality Control (QA/QC) Certification

RECPs should be certified by the supplier/manufacturer to ensure product performance and compliance with specified property requirements. A certificate for QA/QC testing of manufactured products is required. The performance and QA/QC testing should be carried out by reputable laboratories (e.g. TxDoT – Hydraulic and Erosion Control Laboratory or equivalent laboratory) to ensure a commonly acceptable QA/QC standard. Depending on product type and intended performance, the product information certificate should be provided by the product supplier/manufacturer and include the following:

- Performance specification:
 - Permissible Tractive Resistance (include testing methods and vegetative growth conditions)
 - Permissible Flow Velocity (if available)
 - Longevity (for biodegradable or non-biodegradable products)
- Minimum Average Roll Values (MARVs) along with specified testing methods for:
 - Physical properties
 - Mass per unit area
 - Thickness

Rolled Erosion Control Products (RECP)

BMP12

Erosion Control:

Exposed Surface Protection – Non-Vegetated

- Tensile strength
- UV Resistance
- Other physical properties (for non-woven below Erosion Mat (if specified))
 - Grab tensile strength
 - Grab elongation
 - Puncture strength
 - Trapezoidal tear
 - UV Resistance

Inspection and Maintenance

- Area covered with blankets should be regularly inspected/repared, especially after periods of severe rainfall or storm events, to check for blanket separation or breakage
- Any damaged or poorly performing areas should be repaired immediately. Regrading of the slope by hand methods may be required in the event of rill or gully erosion.
- Inspection and maintenance should continue until dense vegetation is established
- Areas with low vegetation density should be reseeded
- After approximately one year, a top dressing of fertilizer may be applied to improve vegetation cover and assist degradation of temporary blankets

Similar Measures

- Mulching (for slopes only)
- Chemical stabilization (for slopes only, e.g. tackifiers)
- Rip rap (primarily in channels)
- Gabion mattresses (primarily in channels)

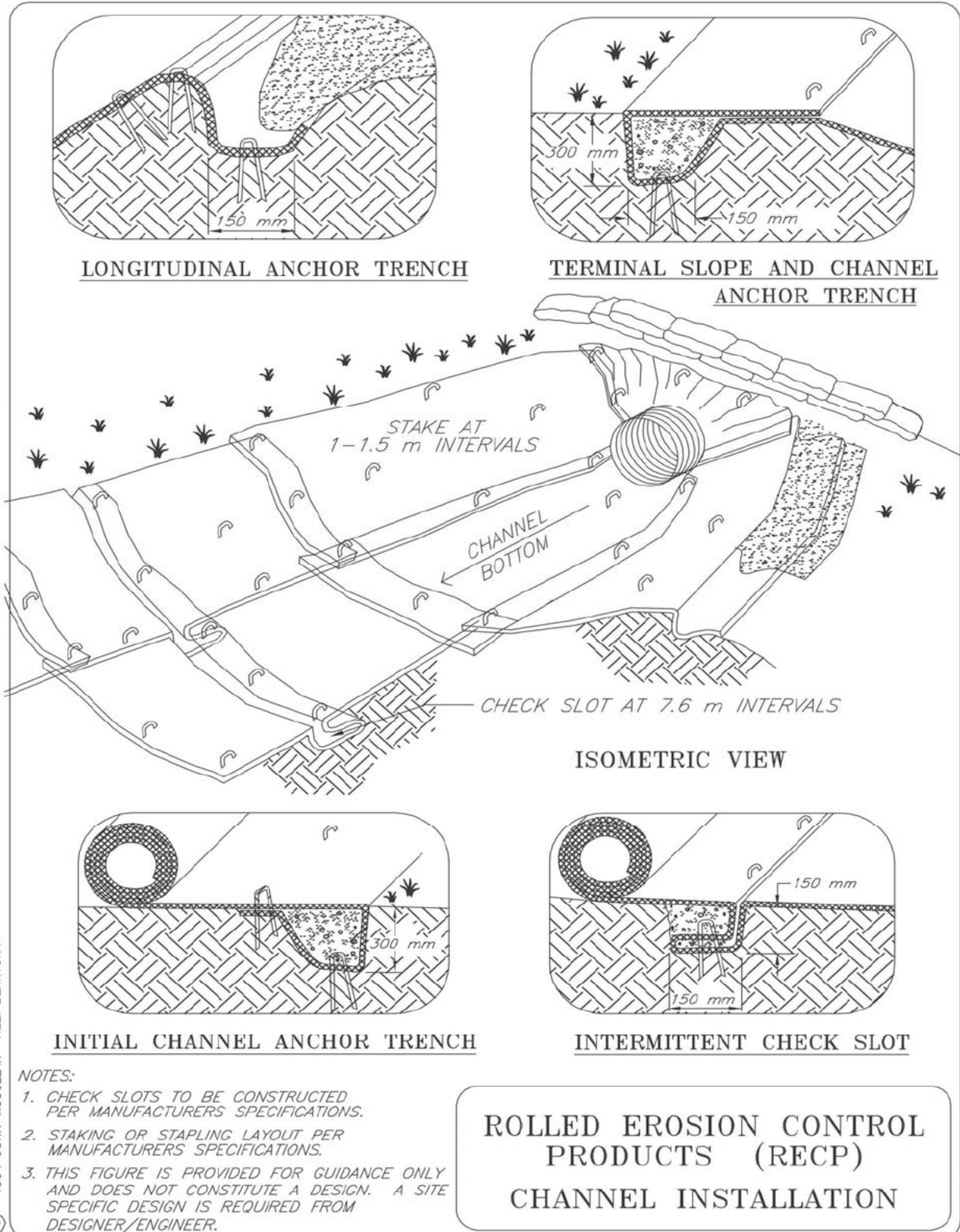
Design Considerations

- Assess hydraulic flow conditions and tractive stress on channel
- Assess local soil, weather and growth conditions (favourable/non-favourable) for revegetation (within 3 to 12 months) to allow a determination on use or non-use of RECP as a protective measure. If the revegetation conditions are assessed favourable, the use of RECP can be considered
- Assess suitability of a RECP product using tractive resistance data tested for (i) bare soil, and (ii) vegetated (a specified duration of growth period) condition
- It is noted that tractive resistance data are adopted as selection criteria of RECP and permissible velocity data can be provided for reference.

Rolled Erosion Control Products (RECP)

BMP12

Erosion Control:
Exposed Surface Protection – Non-Vegetated



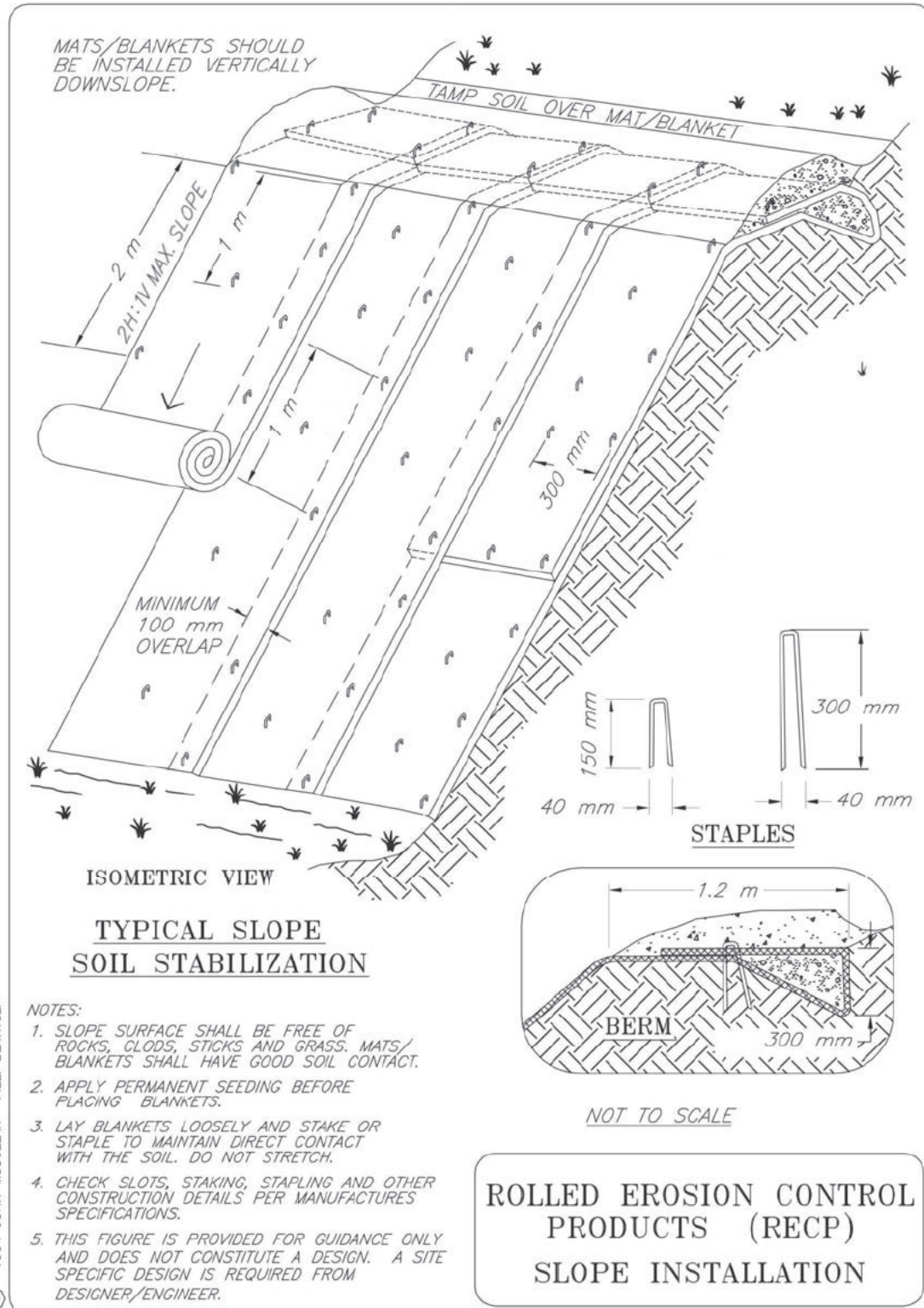
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©

Rolled Erosion Control Products (RECP)

BMP12

Erosion Control:
Exposed Surface Protection – Non-Vegetated



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©

Silt Fence

Sediment Control: Settling

BMP23

Description and Purpose

- Permeable fabric barriers installed vertically on support posts along contours to collect and/or filter sediment laden sheet flow runoff
- Causes water to pond and sediment to settle out as fabric impounds water
- Decreases flow velocity in channels with low to moderate flows ($<0.03 \text{ m}^3/\text{s}$)
- Entraps and minimizes coarse sediment from sheet flow or overland flow from entering waterbodies
- Perimeter control for sediment transport and deposition
- Also known as "sediment control fence"

Applications

- Temporary measure
- Used at bottom of cut or fill slopes to collect sediment laden runoff
- Used along streams or watercourse banks
- Used around stockpiles
- Midslope grade-break (using "J-hook" or "smile" pattern to cause ponding and sedimentation)

Advantages

- Low permeability silt fences have high ponding and settling capabilities for fine sand to coarse silt

Limitations

- **Successful performance is highly dependent on proper installation;** silt fence is commonly installed incorrectly and failures can cause erosion
- Applicable for sheet flow, normally cannot handle concentrated channel flow volumes
- May fail under high runoff events or due to damage caused during sediment removal
- Limited to locations suitable for temporary ponding of sediment laden runoff
- Low permeability silt fences may not be strong enough to support weight of water retained behind it and may require reinforcement (i.e. wire mesh and stronger support posts)
- Sediment build up needs to be removed at 1/2 height and on a regular basis
- Has a useable life of approximately one year, depending on maintenance and sediment requirement

Construction

(Note: The following method is provided for guidance only. A site-specific design by a qualified designer is required.)

- Two methods of installation are commonly used:
 - Trench method
 - Mechanical (slicing) installation method (e.g. Tommy Silt Fence Machine or equivalent)

The mechanical installation method is recommended because it results in less disturbance to native ground and in general provides a stronger end product
- Trench Method
 - Select the location of the silt fence (usually along contours)
 - Excavate a trench 0.30 m deep by 0.15 m wide for the entire length of fence
 - Drive the support posts a minimum of 0.6 m into the ground along the downstream side of the trench, spaced a maximum of 2 m apart; use a spacing of 1 m for critical water-retaining areas
 - Attach the wire mesh or snow fencing, if used as reinforcement to fence fabric, to the upstream side of each post with staples
 - Extend the filter fabric to the base of the trench and attach it over the wire mesh or snow fence, if used, on the upstream side of posts
 - Backfill and compact the soil in the trench, being careful not to damage the fence
- Mechanical Installation Method
 - Select the location of the silt fence (usually along contours)
 - Use a mechanical installation machine to embed the fabric a minimum of 0.2 m to 0.3 m into the ground. One mechanical installation method involves slicing (with special equipment) the geotextile fabric to embed it into the ground without excavation or backfill. This results in only minor disturbance of the ground and only minor tamping of the ground is required for compaction.
 - Drive the support posts a minimum of 0.6 m into the ground, spaced a maximum of 2 m apart; use a spacing of 1 m for critical water-retaining areas
 - Attach the wire mesh or snow fencing, if used as reinforcement, to the silt fence fabric and to the upstream side of posts with staples
- Note on Type 2 Silt Fence
 - Heavy grade silt fence may be required by regulatory agencies for installation near watercourses
 - Type 2 silt fence uses steel posts, with filter fabric supported by wire fencing material and a compacted gravel toe anchorage

Construction Considerations

- Site Selection
 - Size of drainage area to a silt fence should be no greater than 0.4 ha

Silt Fence

Sediment Control: Settling

BMP23

- Maximum flow path length above silt fence should be no greater than 30 m
- Maximum slope gradient above the silt fence should be no greater than 2H:1V
- Fence should be placed on the contour to produce proper ponding
- Fence should be placed far enough away from the toe of slope to provide an adequate ponding area (minimum of 1.8 m away from toe of slope is recommended)
- Ends of the fence should be angled upslope to collect runoff
- Fence should not extend more than 0.6 m above grade
- Posts can be wood or metal, depending on design and ground conditions
- Posts should be placed on the downstream side of the fence
- Posts should be driven at least 0.6 m into the ground
- Posts should not be spaced greater than 2 m apart
- Wire mesh or snow fencing may be placed between the posts and the filter fabric to provide additional strength and support reinforcement
- Filter fabric should be cut from a continuous roll to avoid joints. If joints are necessary, filter fabric should be wrapped around the fence post with a minimum overlap of 0.2 m, and staples should be used to attach the fabric to the post
- Fence (and wire mesh or snow fence, if used) should be attached to the posts with heavy duty staples, tie wires, or hog rings
- Fence (and wire mesh or snow fence, if used) should be dug into a trench at least 0.30 m deep to prevent undercutting of fence by runoff
- Trench backfill should be compacted
- Long runs of silt fence are more prone to failure than short runs
 - The maximum length of each section of silt fence should be 40 m
 - Silt fence should be installed in 'J' hook or 'smile' configuration, with maximum length of 40 m, along contours allowing an escape path for ponded water (minimizes overtopping of silt fence structure)

Inspection and Maintenance

- Inspections should occur twice per week and after significant storm events (1:2 year storm event and/or >40 mm rainfall over 24 hours duration)
- Repair undercut fences and repair or replace split, torn, slumping or weathered fabric immediately
- Sediment build up should be removed once it accumulates to a depth of 0.2 m or at 1/2 height of fence
- Remove fence after vegetation is established
- Deactivate fabric by cutting off the top portion of fabric above ground; the bottom trenched-in portion can be left in-ground to minimize ground disturbance

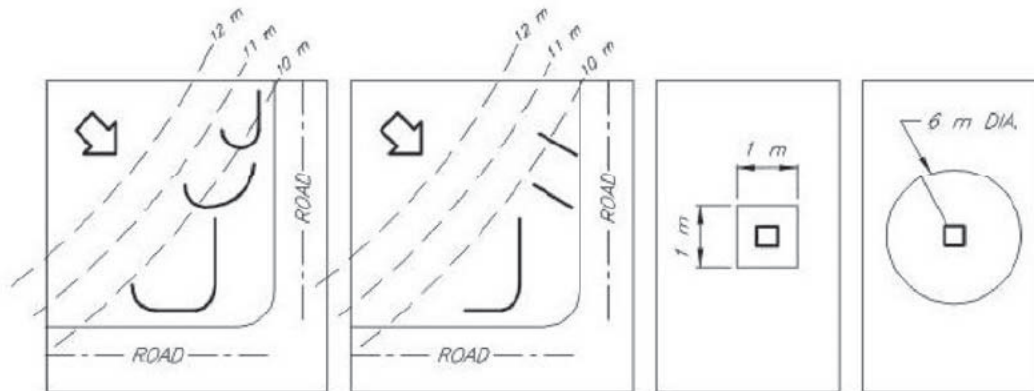
Similar Measures

- Check Dams
- Permeable synthetic barriers

Silt Fence

**Sediment Control:
Settling**

BMP23

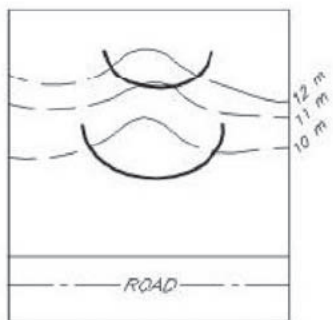


CORRECT

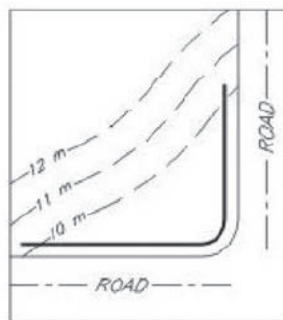
INCORRECT

"J" CONFIGURATION

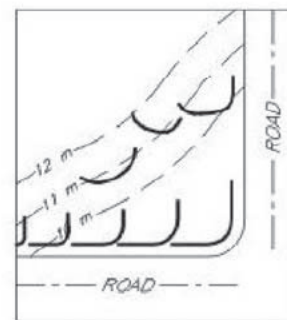
SILT FENCE BARRIER
AT STORM INLET



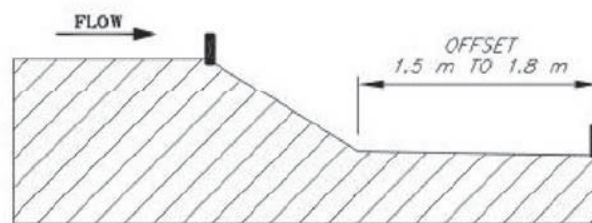
"SMILE"
CONFIGURATION



AVOID LONG
INSTALLATION



COMBINATION OF "SMILE"
AND "J" CONFIGURATIONS



LOCATION AT TOP AND BOTTOM OF SLOPE

NOT TO SCALE

NOTE:

1. THIS FIGURE IS PROVIDED FOR GUIDANCE ONLY AND DOES NOT CONSTITUTE A DESIGN. A SITE SPECIFIC DESIGN IS REQUIRED FROM DESIGNER/ENGINEER.

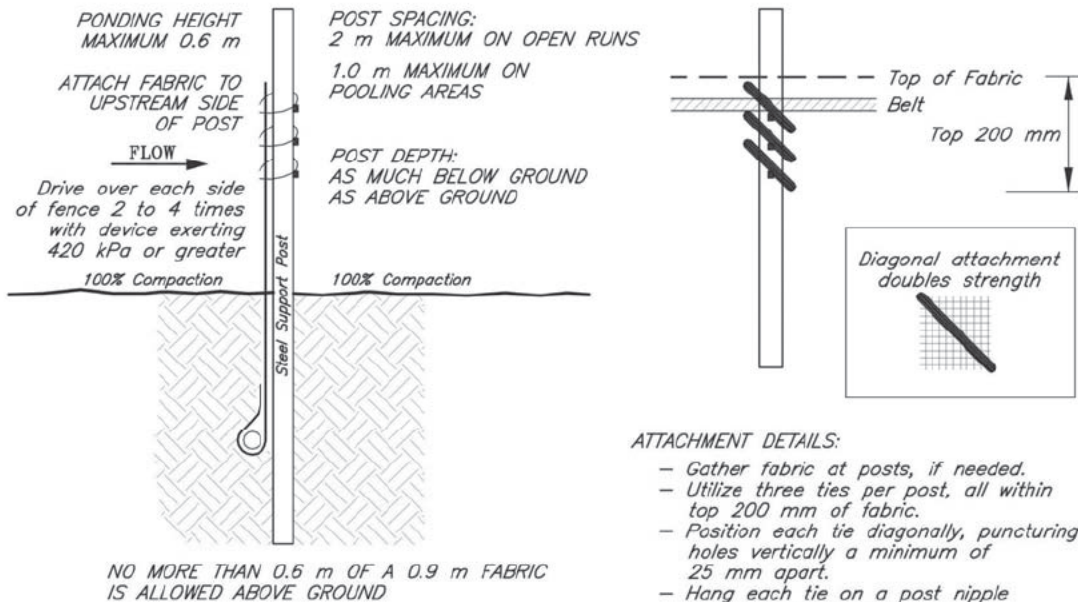
SOURCE: CARPENTER T. 2000

**SILT FENCE
(CONFIGURATION PLAN)**

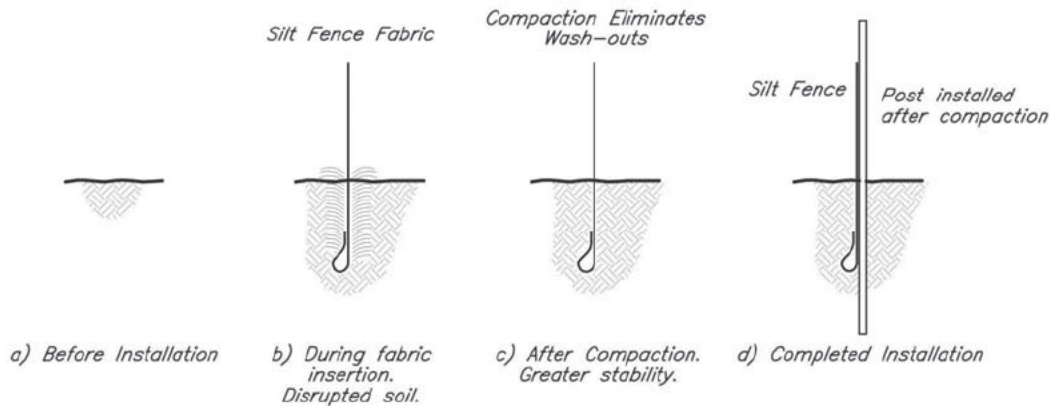
Silt Fence

Sediment Control: Settling

BMP23



THE MECHANICAL (SLICING) METHOD



THE MECHANICAL (SLICING) METHOD INSTALLATION SEQUENCE

NOTES:

1. INSTALLATION MACHINE MUST ALLOW CONTINUOUS SLICING AND EMBEDMENT OF GEOTEXTILE INTO GROUND WITH MINOR GROUND DISTURBANCE.
2. INSTALLATION MACHINE TYPES WILL VARY WITH MANUFACTURER.
3. THIS FIGURE IS PROVIDED FOR GUIDANCE ONLY AND DOES NOT CONSTITUTE A DESIGN. A SITE SPECIFIC DESIGN IS REQUIRED FROM DESIGNER/ENGINEER.

NOT TO SCALE

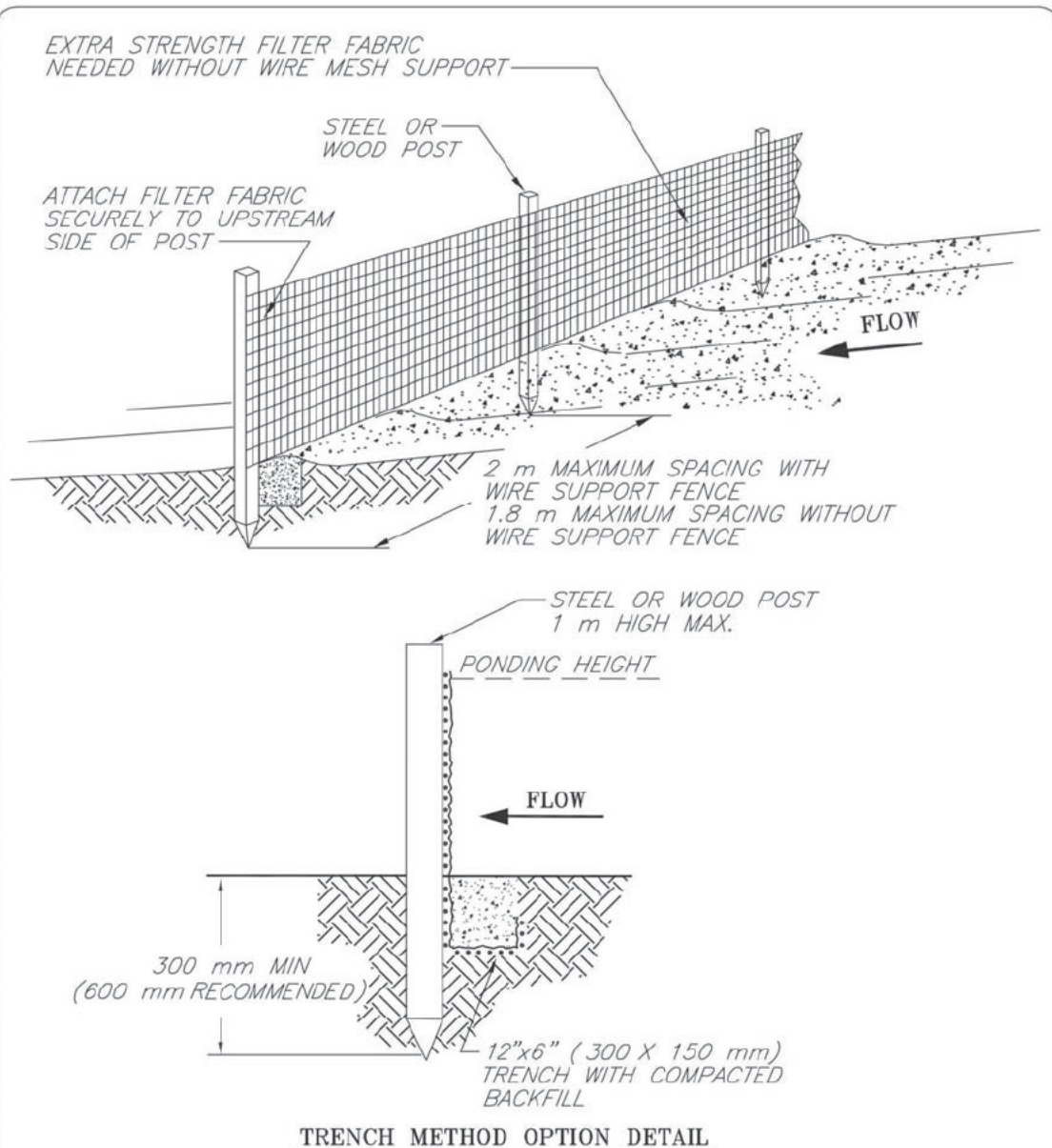
SILT FENCE
(MECHANICAL METHOD OPTION)

SOURCE: CARPENTER T. 2000

Silt Fence

**Sediment Control:
Settling**

BMP23



NOTES:

1. SILT FENCE SHALL BE PLACED ON SLOPE CONTOURS TO MAXIMIZE PONDING EFFICIENCY.
2. INSPECT AND REPAIR FENCE AFTER EACH STORM EVENT (1:2 YEAR STORM AND/OR +40 mm RAINFALL OVER 24 HOUR DURATION) AND REMOVE SEDIMENT WHEN ACCUMULATED SILT REACHES 1/2 FENCE HEIGHT OR 225 mm MAXIMUM SUGGESTED STORAGE HEIGHT.
3. REMOVED SEDIMENT SHALL BE DEPOSITED TO AN AREA WILL NOT CONTRIBUTE SEDIMENT OFF-SITE.
4. THIS FIGURE IS PROVIDED FOR GUIDANCE ONLY AND DOES NOT CONSTITUTE A DESIGN. A SITE SPECIFIC DESIGN IS REQUIRED FROM DESIGNER/ENGINEER.

NOT TO SCALE

SILT FENCE
(TRENCH METHOD OPTION)

FILE: SILTFENC

© 1994 JOHN McCULLAH
From: Solix-Applied Earthcare - EROSION DRAW 3.0

Drain Inlet Sediment Barrier

***Sediment Control:
Settling***

BMP25

Description and Purpose

- Temporary devices constructed to minimize the amount of sediment entering a storm drain by ponding sediment laden runoff at the inlet
- Storm Drain Inlet protection can consist of the following measures:
 - Block and Gravel Sediment Barrier – Option 1
 - Block and Gravel Curb Inlet Sediment Barrier – Option 2
 - Sand Bag Curb Inlet Sediment Barrier – Option 1
 - Sand Bag Curb and Gutter Sediment Barrier – Option 2
 - Silt Fence Sediment Barrier

Applications

- Temporary measure
- Used where storm drains are operational prior to establishing vegetation on disturbed drainage areas
- Can be effective where drainage enters municipal sewers or watercourses
- Used for small, nearly level (less than 5% grade) drainage areas
- Used as curb inlet barriers in gently sloping ditches and gutters
- Used where drainage area is 0.4 ha or less
- Used in open areas subjected to sheet flow and concentrated flows less than 0.014 m³/s
- Block and gravel bag barriers are applicable when sheet flows or concentrated flows exceed 0.014 m³/s and is necessary to allow for overtopping to prevent flooding
- Excavated drop inlet sediment traps are appropriate where relatively heavy flows are expected and overflow capacity is required

Advantages

- Easy to install and remove
- Sand bags may be reusable

Limitations

- Ponding around inlet may result in local flooding
- Use only when ponding will not encroach into vehicular traffic, onto erodible surfaces and slopes or beyond the limits of the construction site
- Frequent removal of sediment may be required for high flow situations

Drain Inlet Sediment Barrier

***Sediment Control:
Settling***

BMP25

Construction

(Note: The following method is provided for guidance only. A site-specific design by a qualified designer is required.)

- Place inlet sediment barrier around entrance to drain/pipe. The option appropriate for use is dependent on site conditions.
- Silt fence barrier can be used for soil surfaces
- Gravel or aggregate filled sand bags should be used for asphalt or concrete surfaces
- Aggregate filled sand bags
 - Place sand bags stacked one or two bags high around inlet
- Gravel barriers
 - Place concrete blocks stacked one or two blocks high, with cavities of blocks aligned with direction of flow, around inlet
 - Wrap 13 mm wire mesh around concrete blocks
 - Place 25 mm to 38 mm diameter rock around block and wire mesh assembly ensuring rock extends down from top of blocks to asphalt or concrete surfacing
- Gravel filter curb inlet
 - Place concrete blocks stacked one or two blocks high around inlet, with cavities of blocks aligned with direction of flow, forming a 'U' shape
 - Wrap 13 mm diameter wire mesh around concrete blocks
 - Place 25 mm to 38 mm diameter rock around block and wire mesh assembly ensuring rock extends down from top of blocks to asphalt or concrete surfacing

Construction Considerations

- Gravel or aggregate filled sand bags should be used for asphalt or concrete surfaces
- Aggregate filled sand bags
 - Sand bags should be filled with pea gravel, drain rock, or other free draining material
 - Gravel or aggregate filled sand bags should be filled only three-quarters full to allow sand bag to be flexible to mould to contours, maintaining continuous contact with surface
 - Barrier should be placed at least 0.1 m from inlet to be protected
 - Several layers of sand bags should be overlapped and tightly packed against one another
 - A one sand bag wide gap should be left in the lowest point of the upper layer to act as an emergency spillway
- Gravel filter inlet berm and gravel filter curb inlet
 - Slope gravel towards inlet at a maximum slope of 2H:1V
 - Maintain at least 0.3 m spacing between toe of gravel and inlet to minimize gravel entering inlet

Drain Inlet Sediment Barrier

***Sediment Control:
Settling***

BMP25

- 25 mm wire mesh may be placed over inlet to prevent gravel from entering the inlet
- For drainage areas larger than 0.4 ha runoff should be directed towards a sediment retention device designed for larger flows before allowing water to reach inlet protection structure
- Use aggregate sand bags filled with 25 mm diameter rock in place of concrete blocks for gravel filter inlet berm or gravel filter curb inlet

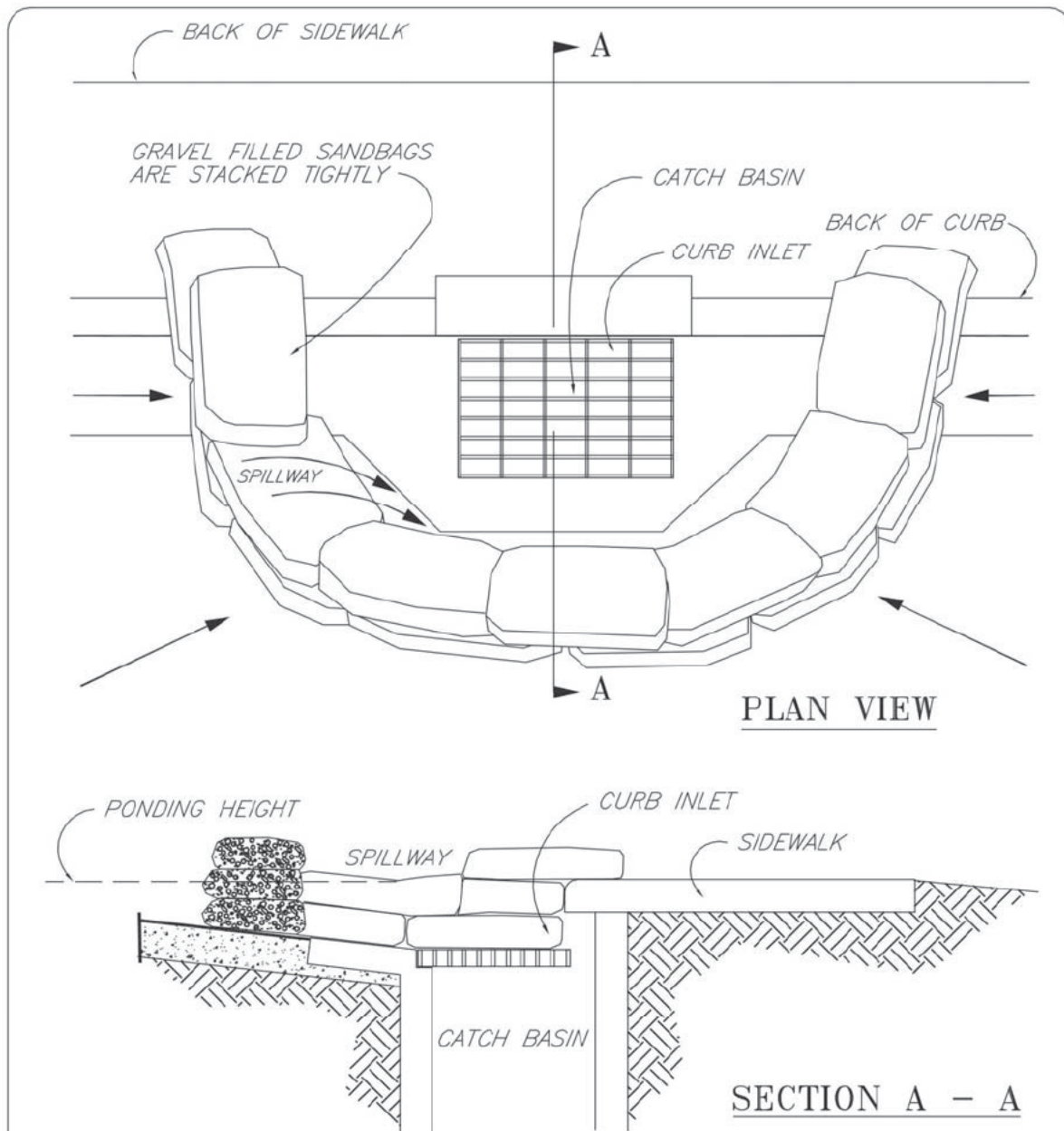
Inspection and Maintenance

- Inspect barriers at least once a week and before and after each significant rainfall event (1:2 year storm and/or 40 mm in a 24 hour period)
- Remove sediment build up after each storm event
 - Sediment and gravel should not be allowed to accumulate on roads
- Replace gravel if it becomes clogged with sediment
- Remove all inlet protection devices when inlet protection is no longer required

Drain Inlet Sediment Barrier

**Sediment Control:
Settling**

BMP25



NOTES:

1. PLACE CURB TYPE SEDIMENT BARRIERS ON GENTLY SLOPING STREET SEGMENTS WHERE WATER CAN POND AND ALLOW SEDIMENT TO SEPARATE FROM RUNOFF.
2. SANDBAGS, OF EITHER BURLAP OR WOVEN GEOTEXTILE FABRIC, ARE FILLED WITH GRAVEL, LAYERED AND PACKED TIGHTLY.
3. LEAVE ONE SANDBAG GAP IN THE TOP ROW TO PROVIDE A SPILLWAY FOR OVERFLOW.
4. INSPECT BARRIERS AND REMOVE SEDIMENT AFTER EACH STORM EVENT. SEDIMENT AND GRAVEL MUST BE REMOVED FROM THE TRAVELED WAY IMMEDIATELY.
5. THIS FIGURE IS PROVIDED FOR GUIDANCE ONLY AND DOES NOT CONSTITUTE A DESIGN. A SITE SPECIFIC DESIGN IS REQUIRED FROM DESIGNER/ENGINEER.

**STORM DRAIN CURB INLET
SEDIMENT BARRIER
(SANDBAGS - OPTION 1)**

From: Salix—Applied Earthcare — EROSION DRAW 3.0
1994 JOHN McCULLAH

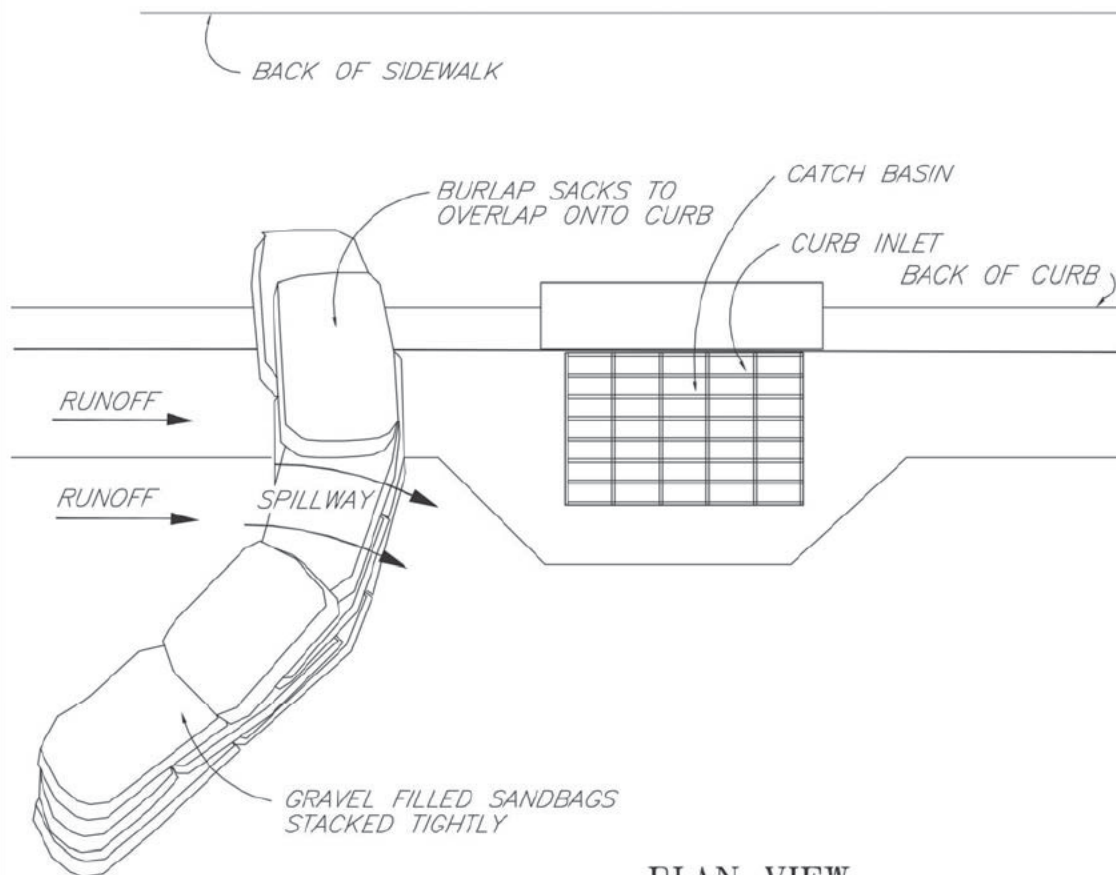


FILE: SANDCURB

Drain Inlet Sediment Barrier

**Sediment Control:
Settling**

BMP25



PLAN VIEW

NOTES:

1. PLACE CURB TYPE SEDIMENT BARRIERS ON GENTLY SLOPING STREET SEGMENTS, WHERE WATER CAN POND AND ALLOW SEDIMENT TO SEPARATE FROM RUNOFF.
2. SANDBAGS OF EITHER BURLAP OR WOVEN 'GEOTEXTILE' FABRIC, ARE FILLED WITH GRAVEL, LAYERED AND PACKED TIGHTLY.
3. LEAVE A ONE SANDBAG GAP IN THE TOP ROW TO PROVIDE A SPILLWAY FOR OVERFLOW.
4. INSPECT BARRIERS AND REMOVE SEDIMENT AFTER EACH STORM EVENT. SEDIMENT AND GRAVEL MUST BE REMOVED FROM THE TRAVELED WAY IMMEDIATELY.
5. DESIGN CENTRE SPILLWAY LOWER THAN OUTSIDE EDGE TO MINIMIZE FLOW OUTFLANGING.
6. THIS FIGURE IS PROVIDED FOR GUIDANCE ONLY AND DOES NOT CONSTITUTE A DESIGN. A SITE SPECIFIC DESIGN IS REQUIRED FROM DESIGNER/ENGINEER.

**STORM DRAIN INLET
CURB AND GUTTER
SEDIMENT BARRIER
(SANDBAGS - OPTION 2)**

APPENDIX D.

B.C. LAND SURVEYOR's CERTIFICATE OF PROPOSED LOCATION

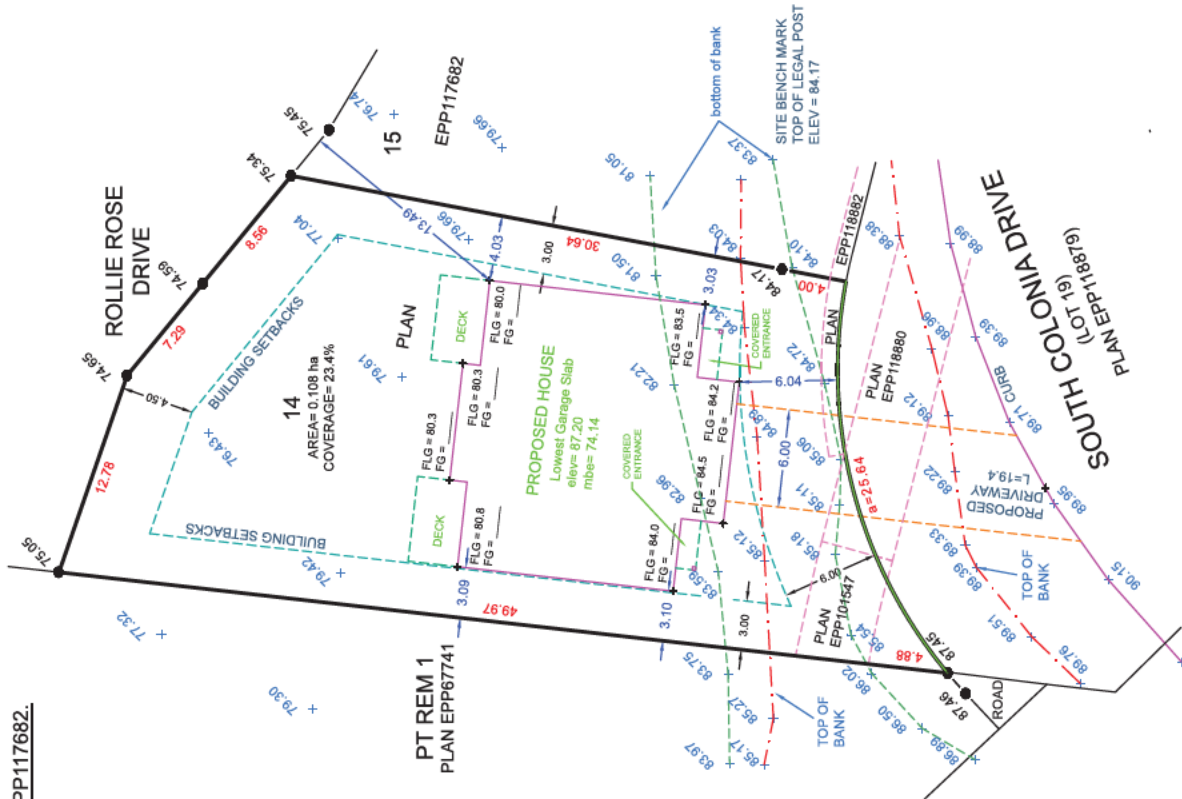
MAXIMUM HOUSE HEIGHT CALCULATION	
MEAN FG	_____
MEAN FLG	82.20
MAXIMUM HEIGHT PER BYLAW	10.0
MAXIMUM ROOF PEAK	92.20
PROPOSED LOWER FLOOR	_____
PROPOSED MAIN FLOOR	_____
HEIGHT MAIN TO PEAK	_____
PROPOSED ROOF PEAK	_____



CIVIC ADDRESS: 416 SOUTH COLONIA DRIVE.
PID: 031-754-996 ZONING: R-3-A

● DENOTES LEGAL POST FOUND;
+ DENOTES ELEVATION AT HOUSE CORNER;
FG DENOTES FINISHED GRADE;
NG DENOTES NATURAL GRADE;
L DENOTES LENGTH

HOUSE DESIGN FROM DSH DRAFTING.



THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S). THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S). THIS PLAN IS NOT TO BE USED TO REESTABLISH BOUNDARY LINES.

Harbour City Land Surveying Ltd.
1825 LATIMER ROAD
NANAIMO BC V9S 5H2
PHONE: 250-758-4180
© 2022

DRAWING: 22024-HS.DWG
BASE PLAN: 22024-BASE PLAN.DWG
LAYOUT: LAYOUT1

THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH THE RESTRICTIONS THEREIN.

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN
PREPARED IN ACCORDANCE WITH THE MANUAL OF
STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS
DATE OF :

ANDREW MCNICOLL
B.C.L.S.
THIS DOCUMENT IS INVALID UNLESS DIGITALLY SIGNED.

APPENDIX E.

SITE PHOTOS



Photo 1. Facing northwest towards BC Hydro right of way adjacent to Site.



Photo 2. Facing north looking at Site and Rolie Rose Drive with adjacent properties.



Photo 3. Facing northeast across the Site looking at adjacent properties and Rolie Rose Drive.



Photo 4. Facing east across BC Hydro right of way towards Site.

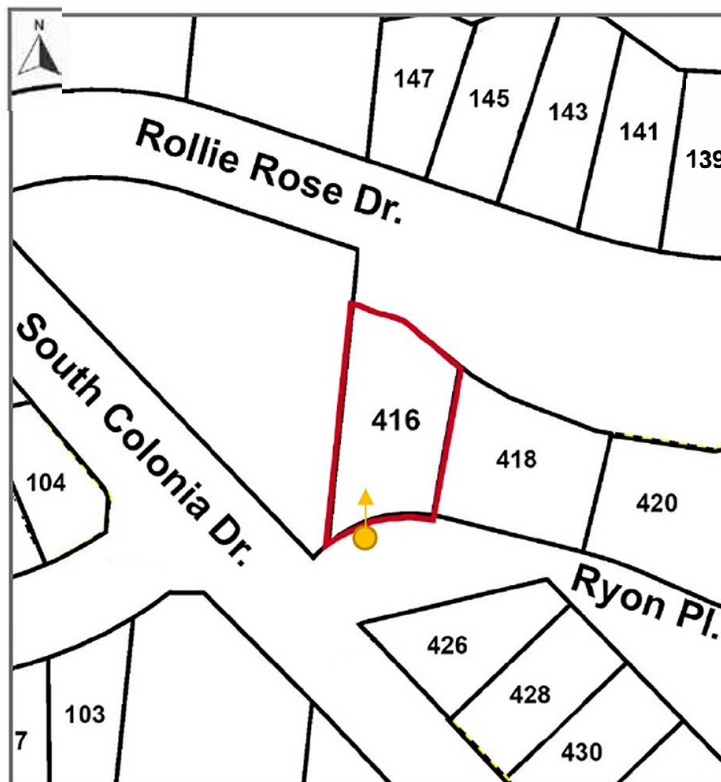


Photo 5. Facing east towards Site along drainage ditch on other side of BC Hydro right of way.



Photo 6. Facing west towards Rolie Rose Drive along drainage ditch on other side of BC Hydro right of way.

ATTACHMENT E – Site Photo



Rational Letter

Re: 416 South Calonia Dr.

Ladysmith BC

December 20, 2022 [Pick the date]

Hayme Holdings LTD

1890 School House Rd.

Contact Person

Dean McLean

Deeds & Sons holdings Inc.

c- [REDACTED]

To Whom it may concern

Hayme Holdings has purchased a fully serviced building lot, that is Zoned for Multi family development. We have chosen to build a building with 2 residences. We designed the building with the slope of lot in mind, as well as building affordability. The design was also chosen with respect to the ongoing development and homes being currently built.

Due to the slope of lot, it was decided to Max out the driveway slope, and also design a 10' basement height to help in getting the basement floor height closer to the target height of the base of the current bank on the lot. We propose to build a terrace back yard with 2- 3m high blast rock retaining walls complete with planters to get us a decent, aesthetically pleasing back yard and providing some greenery to a giant grass field

The max height of the building as per Ladysmith's current by law is 10M above the average of the natural grade height. Once calculated, it was determined that the slope of the driveway would exceed the max slope of driveway allowable in the current Ladysmith Bylaws

It was determined at this point that a Development Permit will be required. The overall height of the building as its proposed is 1.5m over the max height as per Ladysmith bylaw. The main floor elevation is 9 feet below the elevation the access road and therefore not restricting anyone's view.

ATTACHMENT G

Received June 14, 2023

Within Circulation Area

To Whom it May Concern,

We are writing to strongly object to the proposed Development Variance Permit (DVP) for the property located at 416 South Colonia Drive (DVP 3090-22-17). Our objection stems from the disregard of the view corridor goals established in the Official Community Plan (“OCP”) of the Town of Ladysmith, as well as the fact that we made the purchase of our existing property with the assumption the OCP would be respected.

Section 6.0 of the “Holland Creek Local Area Plan” places significant emphasis on preserving public views from higher elevations to Ladysmith Harbour, forested hillsides, and other natural features. These view corridors not only contribute to the beauty of our town but also shape the overall character and livability of our community. When we purchased our home and evaluated the property (and the public views from its sidewalk), we placed great value on the carefully developed community plan and assumed that it would be respected.

The proposed increase in the maximum building height from 10.0m to 11.8m is significant and material at a nearly 20% variance. This increase in building height directly contradicts the spirit and intent of the view corridor objectives established in the Official Community Plan. Such a variance would impact the view corridor from higher elevations towards Ladysmith Harbour and other landmarks that are essential to the scenic character of our town.

We have no objection to the zoning, and we understand that it is well suited for multi family. When we review the proposed drawings for the variance, we see no obvious reason why the roof needs to be so high – this seems like a design choice rather than a *structurally necessary* one. In other words – a duplex could easily be but on this lot WITHOUT violating the existing community plan and WITHOUT the need for a variance. This point in particular should carry significant weight.

Our house, and the public sidewalk in front of it at 103 Ray Knight Drive, and similar properties on Ray Knight Drive, and South Colonia Drive, currently enjoy views of the water directly in line of sight of the subject property. These views are certain to be negatively impacted by approval of this variance application.

In light of the above, we respectfully urge the Town of Ladysmith to DENY the issuance of the Development Variance Permit (DVP 3090-22-17) for the property at 416 South Colonia Drive.

Thank you for your attention to this matter.

Sincerely,

Jeremy & Tiffany Clegg
Owners
103 Ray Knight Drive
Ladysmith, BC

Received June 14, 2023

Outside Circulation Area

Hi,

Just writing to inform you that we strongly object of this 20% increase in height for this duplex. This does not seem to take into consideration of the surrounding home owners who have purchased with a view in mind which is part of why we all love the town of Ladysmith.

Being close to the ocean with a view is what makes Ladysmith different. A 20% height increase for what seems to be just structural design is not something that we as home owners who have invested in this town agree with.

Thank you

Andre Bassari

107 Ray Knight Drive.

Received June 15, 2023

Outside Circulation Area

To Whom It May Concern:

I am strongly objecting to the allowance of this variance on the lot below my house on Ray Knight Drive. This variance is allowing a double standard in your land use bylaws and my house was built last year and my builder was told to lower my house peak by your inspector as it was over the allowance marginally at 140 Ray Knight Drive. My builder had to reconfigure my house to conform to this request by your home inspector.

Move ahead almost a year and now your consideration for this owner to break the spirit and purpose of your rules and extend his roof height.

To me this is a double standard and discriminatory in practice and we suffered as result as our builder had to reconfigure our roof he did have time for a variance during a build and it was just slightly over height. This variance is much great I understand 20% and is substantial and will impact viewing of the water with home across the street.

I trust the Mayor and Council will do the right thing and not allow this variance to proceed.

Regards,

Don Drissell
140 Ray Knight Dr
Ladysmith, BC

Received June 19, 2023

Outside Circulation Area

To Town of Ladysmith Mayor and Council,

I am strongly objecting to the proposed Development Variance Permit (DVP) for the property located at 416 South Colonia Drive (DVP 3090-22-17). This variance request if approved sets the basis for additional future requests of this nature in our area. On page 86 of the "Engagement Summary" OCP states "Maintain view corridor to ocean. No tall buildings to block out views". This variance request if approved would definitely affect the view corridor for some of the residents in Holland Creek. Additionally this request if approved creates the situation of unfair governance of our town's electorate by the following. The home located at 140 Ray Knight Drive exceeded its "maximum permitted height" by approximately one foot and was required to remove a portion of its roof altering its aesthetic look from the street. This caused the home's roof to have a flat appearance rather than its originally built gable look. To allow this variance request of a home just down the street from 140 Ray Knight drive with a very substantial increase in the "maximum permitted height" requirement would seem unfair to say the least.

I urge you to decline this request.

Respectfully

Wayne Briggs

643 John Wilson Place

Ladysmith, BC

Received June 20, 2023

Outside Circulation Area

June 19, 2023

To Town of Ladysmith Mayor, Council and Development Services Department,

RE: NOTICE OF DEVELOPMENT VARIANCE PERMIT:

DVP 3090-22-17 (416 South Colonia Drive)

Lot 14 Block 192 District Lot 103 Oyster District Plan EPP117682

PID: 031-754-996

Regarding the application for a Development Variance Permit to "Town of Ladysmith Zoning Bylaw 2014, No.1860" to increase the maximum permitted height of a principal building from 10.0m to 11.8m to facilitate construction of a duplex residence at 416 South Colonia Drive.

As a homeowner and resident of the Holland Creek Area, whose forest and nature view will be negatively impacted by the duplex residence at 416 South Colonia Drive, I am writing to object to the Variance proposed above.

My home was built to comply with the elevation requirements of the "Holland Creek Local Area Plan" including Section 6.0. In order to achieve this, my home had to be built at an elevation that requires the driveway to have a downward slope. As a homeowner, I would have greatly preferred a level driveway for ease of parking and reduced water runoff issues but as a community member, it was my duty to consider the impact on my neighbour's view. I was not able to build my home at an elevation higher than allowed and I request the same standard be applied to all members of the Holland Creek Area.

The "Engagement Summary" OCP states "Maintain view corridor to ocean. No tall buildings to block out views". If this Variance is granted, it will violate that as well as the Holland Creek Local Area Plan – Schedule C of Bylaw 1488. Builders, who purchase lots in the Holland Creek Area to profit from their sale, should not be exempt from the rules that community members must comply with. Granting this Variance will not only diminish or obliterate ocean and nature views from the homes negatively impacted by this massive duplex, it will also set a dangerous precedent for further degradation of the views of other Holland Creek Area community members.

I implore you to vote against this DVP that negatively impacts the community that is my home.

Respectfully,
Janice Briggs

STAFF REPORT TO COUNCIL

Report Prepared By: Erin Anderson, Director of Financial Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: August 1, 2023
File No: 1680-20
Re: 2023-2027 Town's Auditor

RECOMMENDATION:

That Council award the External Audit Service RFP #2023-FS-01 to MNP and appoint MNP as the Town's auditor for the year-ends 2023 through 2027.

EXECUTIVE SUMMARY:

As per the *Community Charter*, the Town must appoint an auditor to review the annual financial statements. Staff advertised for external audit services on BC Bid and received only one bid which is from MNP, the Town's current audit firm.

PREVIOUS COUNCIL DIRECTION:

CS 2018-436	2018-11-05	That Council award the External Audit Service contract to MNP and appoint MNP as the Town's auditor for the year-ends 2018 through 2022.
-------------	------------	--

INTRODUCTION/BACKGROUND:

The Town must appoint an auditor to conduct an annual audit of the Town's financial statements. Since 2013, the Town has used MNP to audit the Town's finances.

Per the Town's Purchasing Policy, the fee for audit services was required to be posted for solicitation opportunities. One bid was received which was from MNP for \$184,800 (including taxes) for 5 years of audit services. This is an increase from the 2018 bid which was for \$99,750 for the 5 years, though new accounting standards and auditing guidelines have been implemented. There were only two bids received the last time external audit services were tendered and MNP's bid was \$21,000 less than the other bid.

ALTERNATIVES:

Council can choose to reject the bid and direct staff to re-issue the RFP.

FINANCIAL IMPLICATIONS:

For 2024, there will be a \$11,250 increase to the audit service cost for a total of \$32,500 plus taxes, though this includes a cost to implement the new Public Sector Accounting Board (PSAB) standard of Asset Retirement Obligation requirement.

LEGAL IMPLICATIONS:

The Town is required to appoint an auditor per section 169 of the *Community Charter*.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Financial Services liaises with the auditor and facilitates most of the audit work.

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|--|
| <input type="checkbox"/> Core Infrastructure | <input type="checkbox"/> Economy |
| <input type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership |
| <input type="checkbox"/> Waterfront Area Plan | <input checked="" type="checkbox"/> Not Applicable |

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Jake Belobaba, RPP, MCIP, Director of Development Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: August 1, 2023
File No:
Re: CVRD Regional Planning

RECOMMENDATION:

That Council, in response to the Cowichan Valley Regional District's April 28, 2023 letter seeking input on the potential establishment of a regional planning service, request further information on:

- a. Proposed funding mechanisms;
- b. Proposed projects to be undertaken within the first five years of establishing the planning service; and
- c. Whether or not the proposed regional planning service would be tasked with developing a Regional Growth Strategy.

EXECUTIVE SUMMARY:

The Town has received a letter (Attachment A) from the Cowichan Valley Regional District (CVRD) seeking input on establishing a regional planning service. Staff recommend requesting further details and analysis.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

On February 22, 2023 the CVRD Board passed the following resolution:

"That a letter be sent to municipal councils inviting input on the potential establishment of a regional planning service."

The letter and accompanying staff report (Attachment A) were received by the Town on May 8, 2023.

Currently, CVRD planning functions are divided into three departments:

1. Development Services, which implements planning policies and reviews development applications;

2. Community Planning, which is responsible for long range planning for the electoral areas, such as the modernization of development procedures and zoning bylaws; and
3. Strategic Initiatives, which is responsible for long range planning, including electoral area OCPs and regional planning initiatives such as the Housing Needs Assessment.

All three of these planning services are funded from electoral area taxation (i.e., member municipalities do not pay into these services), and generally speaking these departments only work on planning projects that are specific to the regional district (e.g., development proposals within the CVRD, or electoral area OCPs). Despite this, the CVRD has in the past undertaken planning projects of regional significance with the participation of member municipalities, the most recent examples being Cowichan 2050 in 2018 and regional collaboration on the Housing Needs Assessment¹ in 2021.

Regional Districts in BC are permitted to work in conjunction with member municipalities on planning processes and to establish a regional planning service, the most relevant example being Regional Growth Strategies. These are statute-enabled documents that function much like a collective OCP that are developed and agreed to by the Regional District and member municipalities.

PROPOSAL:

The CVRD is seeking feedback from member municipalities on the possibility of establishing a regional planning service. Staff are recommending that the Town request additional information, analysis and discussion on the prospect of a regional planning service, specifically:

- How the service will be funded and what the costs would be
- Projects that would be undertaken within the first five years
- Whether or not a Regional Growth Strategy would be undertaken

ANALYSIS:

Staff note a regional planning service has significant merit. However, the value of such a service to the Town of Ladysmith is rooted in the services provided relative to the cost to the Town.

The Town's OCP contains the following policies requiring regional collaboration:

- Part B 2.4(am). Participate in regional monitoring of readily serviceable industrial land with the objective of maintaining sufficient capacity to meet the needs of the regional economy.
- Part C 2.22. Improve connectivity to the regional trail network in the Cowichan Valley including more direct access to the Cowichan Valley Trail.

¹ This project was funded by a UBCM grant.

- Part C 2.25. Work with CVRD and the Stz'uminus First Nation to undertake an assessment of all regional and municipal trails to better understand existing conditions and to establish consistent trail evaluation standards.
- Part C 2.37. Continue to work with BC Transit, the Regional District of Nanaimo, and CVRD to improve the quality of transit services, frequency, operating hours, local and regional connections, and alignment with school, post-secondary, and work commuter schedules.
- Part C 2.38. Establish a focus group with representatives from Stz'uminus First Nation, CVRD, BC Transit, and residents who frequently use transit—including youth and low-income residents—to explore solutions to create connectivity between communities.
- Part C 3.10. Continue working regionally to assess regional and local housing needs, in order to update OCP policies and other Town plans as needed.
- Part C 3.18. Strengthen local partnerships to deliver more affordable housing, including but not limited to neighbouring jurisdictions, Stz'uminus First Nation, Cowichan Valley Regional District/Cowichan Housing Association, and LCRA.
- Part C 5.25. Work with CVRD to install a regional anaerobic digester to treat organic materials and wastewater. Sell the facility's renewable natural gas.
- Part C 5.29. Establish a time-bound program of climate change adaptation measures to implement on local and regional infrastructure, according to the prioritized assessments. Ensure that the program has a full suite of "green infrastructure" interventions.
- Part C 6.1. Work regionally to reduce poverty in the Cowichan Valley and address the poverty themes identified in the Ladysmith/Stz'uminus Poverty Reduction Strategy (2022).
- Part C 6.19. Support partners and regional initiatives in the provision of addiction recovery centres, including those that provide onsite residential facilities. Permit these centres in residential and mixed-use land designations that are adequately serviced by "wrap around" support services.
- Part C 8.7. Amend the Building Bylaw to accelerate adoption of the BC Energy Step Code for all new buildings, requiring the following standards. Undertake this in tandem with CVRD and member municipalities to achieve consistency across the region.

Additionally, other objectives of the OCP that do not specifically call for regional planning or collaboration can be supported or hindered by the actions of the regional district or member

municipalities, providing further justification for a regional planning service. For example, the Town's goals to concentrate growth in core growth areas could be affected by land use policies of the regional district and/or member municipalities.

Presumably, a regional planning service would require the Town to contribute to the cost of providing the service, which the regional district would manage. For these reasons, the Town should carefully evaluate the proposition of a regional planning service to determine if the services offered will advance the Town's goals. Assuming other member municipalities have some level of interest in a regional planning service, a clear picture of its costs and mandate can be developed allowing for an informed decision by the Town.

Overall, staff are intrigued by the concept of a regional planning service and its potential. The proposed response is intended to continue the conversation on the topic and set the stage for a more definitive recommendation and decision by Council at a later date. Staff recommend responding as proposed.

ALTERNATIVES:

Council can choose to:

1. Support establishing a regional planning service without requesting further analysis or information;
2. Not support a regional planning service; or
3. Request additional information not included in the recommended response, as specified by Council.

FINANCIAL IMPLICATIONS:

A regional planning service may require additional contributions from the Town of Ladysmith to the CVRD. The proposed recommendation allows the Town to have a clearer picture of what those contributions might be before committing to a regional planning service.

LEGAL IMPLICATIONS:

The recommended response does not create any legally binding obligations on the part of the Town.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Staff do not recommend undertaking public engagement on this matter until more information is known about what a regional planning service will entail.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

If and when staff have a clearer picture of what a regional planning service might look like, the proposal will be referred to Town departments for review and comment.

ALIGNMENT WITH STRATEGIC PRIORITIES:

☒ Core Infrastructure

☒ Economy

☒ Official Community Plan Implementation
☒ Waterfront Area Plan

☒ Leadership
☐ Not Applicable

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

ATTACHMENT:

A. CVRD Letter and Staff Report



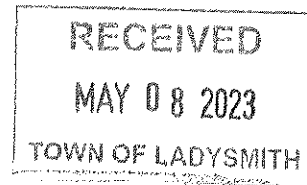
175 Ingram Street
Duncan, BC V9L 1N8
www.cvid.bc.ca

Office: 250.746.2500
Fax: 250.746.2513
Toll Free: 1.800.665.3955

April 28, 2023

File: 3720-80

Town of Ladysmith Council
Allison McCarrick, Chief Administrative Officer
Town of Ladysmith
410 Esplanade St PO BOX 220
LADYSMITH BC V9G 1A2



Dear Town of Ladysmith Council:

Re: CVRD Regional Planning

The Cowichan Valley Regional District (CVRD) Board, at its regular meeting of February 22, 2023, considered a staff report on the merits of establishing a regional planning service. The Board resolved (23-69):

"That a letter be sent to municipal councils inviting input on the potential establishment of a regional planning service."

While the CVRD and each member municipality currently provides community and land use planning services, there are opportunities for coordination on regionally-significant matters such as housing, transportation, climate change and reconciliation. We recognize the prior effort that the CVRD and partners have made in developing the Cowichan 2050 Regional Collaboration Framework and Regional Housing Needs Assessment, and positive outcomes of this work. However, we also recognize that if there is interest to continue regional planning efforts, a formal structure is needed, with dedicated resources and funding. The attached staff report provides further context.

At this early stage in the process, the CVRD Board is requesting that municipal councils consider the potential for regional planning and provide comments to support the Board in its deliberations on this topic. Once this feedback has been received, the Board will consider the feasibility of advancing regional planning, and explore options respecting resources and funding.

We look forward to engaging in this important discussion.

Sincerely,


Aaron Stone
Chair

AS/CB/lkp

Attachment

pc: Jake Belobaba, Director of Development Services



STAFF REPORT TO COMMITTEE

DATE OF REPORT January 11, 2023
MEETING TYPE & DATE Committee of the Whole of January 25, 2023
FROM: Planning - Strategic Initiatives
Land Use Services Department
SUBJECT: Regional Planning Service
FILE: 3720-80 Regional Planning

PURPOSE/INTRODUCTION

The purpose of this report is to seek direction to re-establish a service to support regional planning.

RECOMMENDED RESOLUTION

That it be recommended to the Board that a letter be sent to municipal councils inviting input on the potential establishment of a regional planning service.

BACKGROUND

History of Regional Planning in the CVRD

In 1969, Order in Council (OIC-2016) established the Cowichan Valley Regional District Regional (CVRD) and community planning and building regulation functions. In the latter part of 1972, the CVRD took steps to become actively involved in both regional and community planning by establishing a planning department. It was felt, in part due to the accelerated population growth rate, that the time had come whereby formal planning at the regional level should be undertaken to ensure development would meet various standards and several goals and objectives being established by local councils and the Regional Board.

The planning function was divided between "regional" and "community" levels, and in both instances the purpose was to "see that the best use is made of limited resources of the region" (see Attachment A – CVRD Report on the Regional Planning Function, 1978). It was recognized that a strong and accurate technical base of information must be available so that the various governments within the Regional District would be able to make sound decisions in such fields as residential, commercial and industrial development, resource preservation, economic and social policies, and recreational and transportation needs.

The CVRD Planning Department was divided into three areas of work.

- Regional planning was to work toward an overall regional plan with various sub-studies required in such areas as transportation, water source surveys, land capability studies, and industrial and recreational needs.
- Community planning was divided into electoral areas and municipal areas. In the municipal areas, planning services were to be undertaken at the request of the municipality and on a contractual basis.
- Development services was responsible for the administration of zoning and subdivision controls.

During this period, the Planning Department undertook several programs, such as:

- house numbering for the electoral areas;
- assisting the City of Duncan in a neighbourhood improvement program;
- assisting other municipalities in bylaw preparation, including cartography projects, questionnaires and implementing zoning bylaws in all electoral areas;
- subdivision bylaws in eight of the nine electoral areas;
- other special bylaws, such as one for mobile home parks and sign control; and
- settlement plans were undertaken for Thetis Island and Electoral Areas D, A, and B.

At the same time, there was close liaising with the planning consultants undertaking community plans for the Municipality of North Cowichan and the City of Duncan.

In early 1978, a more detailed outline of the Planning Department's roles and upcoming work programs was drafted for the first time. It included the objectives:

To establish an overall planning program, which will allow us to attain a comprehensive understanding of the region; to involve the public in the planning process; to develop a planning policy structure based upon these objectives; and to adopt a regional plan for the Cowichan Valley.

The "CVRD Report on the Regional Planning Function" stated:

Regional planning was established to undertake planning matters that cross boundaries of governmental jurisdiction, especially looking into matters of transportation, utilities, parks and recreation systems, as well as the whole range of environmental considerations, such as energy production, waste disposal, water quality and resource planning.

Nevertheless, over the past few years the regional planning department has acted more like a department exclusively concerned with electoral area matters, undertaking a few background regional studies and occasionally involved with strictly municipal matters.

In 1978, fee levies assigned to the municipalities to support regional planning were removed, despite the report's recommendations to establish a single regional planning service for the municipalities and electoral areas. The CVRD Official Regional Plan, however, remained until the BC Government cancelled all regional plans in 1985.

After 1978, CVRD corporate records indicate interest in exploring a regional growth management plan. In July 28, 1993, there was the following motion:

"That CVRD planning staff proceed to prepare preliminary terms of reference for a Regional Growth Management Study and that the member municipalities within the CVRD be approached for their support of an application to the Ministry of Municipal Affairs for a Regional Strategic Planning Grant".

See Attachment A – CVRD Report on the Regional Planning Function, 1978

In December 1998, the CVRD Board resolved not to proceed with a regional growth strategy despite the availability of Provincial financial assistance.

In 2005, a regional growth strategy was again considered by the CVRD Board:

*It was moved and seconded that:
Whereas the Growth Strategies Amendment Act (1995) and part 25 of the Local Government Act encourage Regional Districts to partake in regional planning;
And Whereas Regional Districts representing 91% of the population within the high growth profile of the province have embraced Regional Growth Strategies;*

*And Whereas the Capital Regional District to the South, and the Regional District of Nanaimo to the North have both adopted a Regional Growth Strategy Plan;
And Whereas the Cowichan Valley Regional District is experiencing similar growth pressures and issues as the two adjoining Regional Districts;
And Whereas water management (bulk water), amalgamation and border issues, common social, economic and environmental objectives, etc. are all in need of the framework offered by a Regional Growth Strategies Plan;*

Therefore, be it resolved that the CVRD initiate a Regional Growth Strategy Management Planning process.

In 2008, the Board committed to financially supporting studies for a growth management plan to be rolled over and included as part of the Corporate Strategic Plan:

It was moved and seconded that proposed funding in the amount of \$60,000 for the Corporate Strategic Plan be included in the 2008 budget; and that the \$50,000 allocated to the proposed growth management plan be rolled over and included as part of the \$60,000 commitment to the Corporate Strategic Plan.

It was also moved that engagement in a regional growth management strategy be referred to a future regional services meeting:

It was moved and seconded that the motion "That the CVRD and all member municipalities engage in a Regional Growth Management Strategy" be referred to a future Regional Services Meeting, 2010 (10-033).

A search of the Regional Services Committee agendas and minutes did not find any record of discussion about a regional growth strategy in 2010.

Cowichan 2050

In 2018, the Board initiated a non-statutory regional planning process called Cowichan 2050 and developed the Regional Collaboration Framework, a commitment for Cowichan Valley local governments to:

- build more collaborative regional working relationships
- improve communications and information sharing; and
- support more coordinated planning on critical, region-wide issues.

As an initiative, the Regional Collaboration Framework presents a clear opportunity for the communities of the Cowichan Valley to take hold of the future by beginning the process of creating a more proactive, integrated and collaborative regional planning model. This model enables our communities to more effectively address the major changes coming to the region.

Recognizing that the nature of the work will change over time, the signatories to this statement committed to working with the partners on implementing the Regional Collaboration Framework and moving toward a more collaborative and coordinated regional planning approach on critical, region-wide issues (i.e., First Nations relations and reconciliation, growth management, including housing needs and affordable housing, climate change, economic development and parks).

While a priority in the Strategic Plan 2020–2022, advancement of Cowichan 2050 has not been funded or gained further momentum to date, primarily due to the COVID-19 pandemic.

Regional Housing

In 2020-21, the CVRD electoral areas and municipalities participated jointly in the development of a Regional Housing Needs Assessment funded through the Province of BC. It should be noted that the *Local Government Act (LGA)* now includes a legislative requirement for local governments to undertake housing needs assessments every five years.

In 2018, the CVRD adopted Bylaw 4201 – a bylaw to establish a service to provide an annual financial contribution to the Cowichan Housing Association, to assist the Cowichan Housing Association with costs associated with providing programs and services related to affordable housing and homelessness prevention in the Cowichan Valley.

Bioregional Growth Strategy

In 2021, the Board resolved that staff engage with Regional District of Nanaimo (RDN) staff on the merits of a bioregional¹ growth strategy (BRD 21-235). Subsequent to consideration of a letter from the CVRD Board, the RDN Board advised in December 2022 that while the proposal has merit, their preference was to utilize development permit authority (DPA) and alternatively resolved to support aquifer development permit areas in the respective regional districts and to coordinate on DPA development where possible. This does not preclude the CVRD independently pursuing a bioregional growth strategy.

See Attachment B – RDN Response to CVRD

Regional Planning Authority

The *Local Government Act (LGA)* (part 14) expressly provides local governments authority to establish a regional planning service and adopt a regional growth strategy. Pursuant to s. 338 of the *LGA*, the Board may establish a regional planning service by resolution and neither elector assent or an establishing bylaw is required.

Funding

Currently, electoral area planning services are authorized under *LGA* (part 14) to include the costs associated with the CVRD Bylaw No. 4373 Official Community Plan for the Electoral Areas (OCP), including the cost of research and analysis involved in monitoring, implementation and updating of the OCP; administering development permit systems in the electoral areas; and housing needs assessments. Where municipalities and electoral areas jointly participate in regional planning services, such as housing needs assessments, regional agriculture, climate change and marine plans, funding may occur through agreed cost-sharing in accordance with Part 11 of the *LGA* (ss. 380-381).

There are currently no participation agreements on the noted planning initiatives that assign financial cost-sharing to the municipalities.

ANALYSIS

The CVRD has historical regional planning origins and has demonstrated subsequent efforts to establish a regional planning service and regional growth strategy. The earliest efforts include the town settlement plans and the most recent is the Cowichan 2050 effort.

¹ **Bioregionalism** is a philosophy that suggests that political, cultural and economic systems are more sustainable if they are organized around naturally defined areas called bioregions, which are similar to ecoregions. Bioregions are defined through physical and environmental features, including watershed boundaries and soil and terrain characteristics. Bioregionalism stresses that the determination of a bioregion is also a cultural phenomenon and emphasizes local populations, knowledge and solutions.

While the CVRD currently has no regional planning service, there are a number of regional services that deliver regional-scale planning processes including:

- Economic Development (e.g. Industrial Lands Strategy, Workforce Housing Strategy (under development))
- Environmental Services (e.g. Climate Change Adaptation and Risk Management Strategy)
- Regional Parks (e.g. Regional Active Transportation Plan (under development))

Should the Board wish to continue with coordination on housing needs assessments, it would be important to establish an appropriate regional framework for this work – either through a regional planning service or coordination agreement.

Housing needs assessment provisions are silent on who pays for the work, confirming that part 14 services don't need an establishing bylaw and are paid for by electoral area taxpayers and municipal taxpayers if municipalities conduct their own housing needs assessments. The "2021 Regional Housing Needs Assessment Report" was supported by a \$150,000 provincial grant and electoral area planning staff (guided by a regional planning team of representatives from each municipality and the electoral areas) co-ordinated, reviewed and provided additional consulting support in the form of report graphics and production. An argument could be made that the electoral area housing needs assessments benefit the municipalities to the extent that they lead to a more considered accommodation of housing needs based on a coherent regional strategy.

The CVRD Strategic Plan (2020–2022) encourages planning co-ordination between the electoral areas and municipalities, the advancement of Cowichan 2050 and the establishment of protocols with First Nations. The Cowichan 2050 as expressed in the Regional Collaboration Framework offers both a process and a commitment for Cowichan Valley local governments to work together to build more collaborative regional working relationships, improve communications and information sharing, and support more coordinated planning.

The Regional Collaboration Framework presents a clear opportunity for the communities to take hold of the future by beginning the process of creating a more proactive, integrated and collaborative regional planning model

Regional Planning Service Benefits Summary

- Builds collaborative regional working relationships
- Improves communications and information sharing
- Co-ordinated planning on critical, region-wide issues (e.g., growth management, climate change)
- Proactive, integrated and collaborative regional planning
- Establish protocols with First Nations
- Provincial referrals could be considered broadly by municipalities and electoral areas

A Regional Planning Service (new CVRD Division) could be established and funded through a cost-sharing agreement with municipalities based on the scope of services to be provided. The spectrum of services which could be provided range from collaboration (e.g. advancement of Cowichan 2050 roundtable discussions) to coordination of planning initiatives (e.g. regional housing needs assessment, regional housing strategy) to regional growth management (e.g. regional growth strategy).

Further detail regarding service partnership agreements and funding would be provided should the Board wish to proceed with a regional planning service.

For clarity, a regional planning service is recommended to be established prior to consideration of further regional planning projects including future regional housing needs assessments and a regional plan or growth strategy.

It is important that consultation with municipalities occur in any discussion regarding establishment of a regional planning service, both to understand interests and opportunities but also to understand potential challenges and concerns. As such, staff are recommending that a letter be sent to municipal councils inviting input on this significant topic.

Recommendation

That a letter be sent to municipal councils inviting input on the potential establishment of a regional planning service.

FINANCIAL CONSIDERATIONS

N/A

COMMUNICATION CONSIDERATIONS

Consult with CVRD municipality planning staff to explore regional planning initiatives and cost-sharing.

STRATEGIC/BUSINESS PLAN CONSIDERATIONS

2.2) Further the Cowichan 2050 initiative through the establishment of a Cowichan 2050 working group and a set of regional roundtables 6.1) Encourage collaboration and co-ordination on the development of official community plans, land use policies and bylaws across electoral areas, municipalities and First Nations.

GENERAL MANAGER COMMENTS

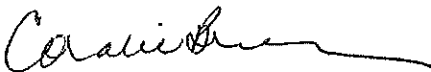
☐ Not Applicable

Referred to (upon completion):

- ☐ Community Services (Arts & Culture, Cowichan Community Centre, Cowichan Lake Recreation, South Cowichan Recreation, Facilities & Transit)
- ☐ Corporate Services (Finance, Human Resources, Information Technology, Legislative Services)
- ☐ Operations (Parks & Trails, Recycling & Waste Management, Utilities)
- ☐ Land Use Services (Building Inspection & Bylaw Enforcement, Community Planning, Development Services, Strategic Initiatives)
- ☐ Strategic Services (Communications & Engagement, Economic Development, Emergency Management, Environmental Services)

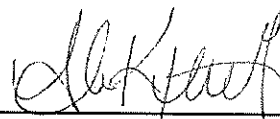
Prepared by:

Reviewed by:



Coralie Breen, PhD, RPP, MCIP
Manager

Not Applicable
Not Applicable



Ann Kjerulf, RPP, MCIP
General Manager

Reviewed for form and content and approved for submission to the Committee:

Resolution:

☒ Corporate Officer

Financial Considerations:

☒ Chief Financial Officer

Attachment A – CVRD Report on the Regional Planning Function, 1978

Attachment B – RDN Response to CVRD

Attachment A

STAFF REPORT TO COUNCIL

Report Prepared By: Len Thew, Manager of Operations
Reviewed By: Ryan Bouma, Director of Infrastructure Services
Meeting Date: August 1, 2023
File No:
Re: **INFRASTRUCTURE SERVICES EQUIPMENT CHANGES AND PROCUREMENT REQUESTS**

RECOMMENDATION:

That Council direct staff to:

1. Amend the 2023-2027 Financial Plan to include \$10,000 for the purchase of scaffolding equipment, with the funds to come from prior year surplus;
2. Amend the 2023-2027 Financial Plan to include \$12,000 for the purchase of a passenger truck, with the funding to come from the proceeds of the sale of the Unit 239 Dump Truck; and
3. Utilize Canoe Procurement Group to source the purchase of the Parks Tractor and the Streets Sweeper.

EXECUTIVE SUMMARY:

Several operational requests from the Infrastructure Services department are provided herein. The purpose is to increase safety, equipment use, and procurement efficiency.

PREVIOUS COUNCIL DIRECTION:

N/A

BACKGROUND:

Over the winter, several operational needs arose, which include scaffolding, change of equipment, and procurement. A description of each follows herein.

Scaffolding

During winter snow and ice clearing, operation and maintenance of large equipment requires the sander and dump box to be washed frequently. Loads of salt/sand also need to be “pre-wet” with a large hose prior to being applied to the roads. It was brought to management’s attention during the winter that operators climb up the side of the trucks to carry out the work. This is an awkward and potentially unsafe practice. Scaffolding or a walkway with stairs would allow operators to perform this task safely and efficiently. The cost for this would be

approximately \$10,000. Funds are requested prior to this upcoming winter to allow time for construction prior to inclement weather.

Equipment Change

In 2020 a used dump truck was purchased for \$14,000 to be used at the Compost Facility; however, the truck has not had effective use. To better suit the needs of the facility it is recommended that we dispose of the dump truck (estimated resale value \$15,000) and use whatever money is recovered to purchase a pickup truck of the same value.

Procurement

The 2023 Capital Budget includes purchasing two pieces of equipment this year: a street sweeper and a parks tractor. To save money and administration time, it is proposed that we use cooperative purchasing, a practice approved in our Purchasing Policy.

Canoe Procurement Group of Canada (<https://canoeprocurement.ca>) is a cooperative buying group tailored to municipalities and the public sector across Canada. Working with municipal associations across the country, Canoe provides member organizations access to preferential pricing through purchasing programs that leverage the collective buying power of all involved. Because all equipment is tendered through open and competitive procurement processes, the Town can rely on the pricing to be market competitive. There are no fees to Ladysmith for membership or commission, and no contractual obligations to purchase only through Canoe should the Town choose another source later.

ALTERNATIVES:

Council can choose to:

1. Carry forward the \$10,000 scaffold request to the 2024 Capital Budget;
2. Require staff to keep the dump truck and find a more productive use for it; and
3. Tender equipment purchases independent of cooperative sources.

FINANCIAL IMPLICATIONS:

It is anticipated that the sale of the Dump truck (unit #239) will net \$12,000 after commissions and taxes. An annual replacement cost was not included in the budget for this unit as it was a pre-owned vehicle used to move material around the compost site, but it is no longer required. It's recommended that the proceeds of this sale are then used to fund a more economical vehicle to be used at the Compost facility.

Included in the 2023 Capital Plan is the replacement of the unit #66 Tractor for \$75,000 and the Replacement of the unit #47 Elgin Sweeper for \$400,000. Both items are funded through the Equipment Replacement reserve, which is anticipated to have a balance of \$780,000.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|--|
| <input type="checkbox"/> Core Infrastructure | <input type="checkbox"/> Economy |
| <input type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership |
| <input type="checkbox"/> Waterfront Area Plan | <input checked="" type="checkbox"/> Not Applicable |

I approve the report and recommendations.

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Jake Belobaba, Director of Development Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: September 6, 2022
File No: 3360-21-08
Re: "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.48) 2022, No. 2107" (Lot 5 Holland Creek)

RECOMMENDATION:

That Council:

1. Rescind second reading of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106" and give the bylaw second reading as amended;
2. Rescind second reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.48) 2022, No. 2107" and give the bylaw second reading as amended;
3. Require that the applicant, in addition to the conditions of approval of Bylaw Nos. 2106 and 2107 specified in Council Resolution CS 2022-095, at their cost, secure the following conditions through one or more restrictive covenants following third reading and prior to adoption of Bylaw Nos. 2106 and 2107:
 - a. All construction on the subject property to be constructed to "Step 2" of the BC Energy Step Code; and
 - b. Grant the Town an option to purchase the portion of the red-listed ecosystem occurrence on the property located outside of the area to be dedicated as park, as shown in the September 6, 2022 report to Council; and
4. Direct staff to schedule a second Public Hearing for Bylaw Nos. 2106 and 2107 pursuant to section 464 of the *Local Government Act*.

EXECUTIVE SUMMARY:

Pursuant to Council Resolution CS 2022-189, staff have discussed Council's direction with the developer. The developer has agreed to the proposed zoning changes, the requirements to meet or exceed Step 2 of the BC Energy Step Code and an "option to purchase" where the Town can purchase the portion of the red-listed ecosystem that is not included in the proposed

park dedication prior to development. The proposed changes are shown on the amended versions of “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106” and “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.48) 2022, No. 2107” included as Attachments A and B.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CS 2022-188	2022-08-02	<p>That Council approve the agenda for this Public Hearing and Regular Meeting of Council for August 2, 2022 as amended to include the following:</p> <ul style="list-style-type: none"> • Item 5.1., “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106” and “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107” <p>Add a public submission received after publication of the agenda.</p>
CS 2022-189	2022-08-02	<p>That Council postpone third readings of “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106” and “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107”, until staff meet with the proponent to negotiate the following requirements and report back to Council:</p> <ol style="list-style-type: none"> 1. Allow duplexes on the subject property in areas zoned R-1-B 2. Require commercial uses on all C-1 zoned lots; 3. Engage and negotiate with the developer for the acquisition and/or protection of the red-listed Douglas-fir/Arbutus ecosystem as park; and 4. Ensure that all construction on the subject property meets Step Code 2 or higher
CS 2022-095	2022-04-19	<p>That Council:</p> <ol style="list-style-type: none"> 1. Having considered section 475 of the Local Government Act, and in particular the matters set out in subsections (2)(a) and (b), resolve that: <ol style="list-style-type: none"> a. the Stz’uminus First Nation is the only entity that is appropriate to consult in connection with “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106”; b. consultation should be early but need not be ongoing; c. the consultation process described in the staff report dated April 19, 2022 is sufficient in respect to the proposed Official Community Plan amendment; and d. staff be directed to refer Bylaw No. 2106 to the Stz’uminus First Nation as set out in Resolution 1(a) for consultation in the manner described in the April 19, 2022 staff report to Council 2. Give first and second readings to “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106”; 3. Consider Bylaw No. 2106 in conjunction with the Financial Plan, Housing Needs Report, Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to sections 473(2.1) and 477(3) of the Local Government Act; 4. Direct staff to refer Bylaw No. 2106 to School District 68 pursuant to section 476 of the Local Government Act; 5. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.48) 2022, No. 2107”; 6. Require the applicant as a condition of approval of Bylaw Nos. 2106 and 2107 to, at their cost, secure the following conditions through one or more restrictive covenants following third reading and prior to adoption of Bylaw Nos. 2106 and 2107: <ol style="list-style-type: none"> a. the developer, at time of subdivision or building permit approval, to provide a bond for a period of five years for the removal of invasive plants introduced by

Resolution	Meeting Date	Resolution Details
		<p>construction activities;</p> <p>b. vegetation clearing to be completed outside the bird nesting period from March 1 to August 31;</p> <p>c. prior to subdivision or development the developer to submit a construction erosion and sediment control plan and stormwater management plan prepared by a qualified engineer and consistent with 'Stormwater Planning: A Guidebook For British Columbia';</p> <p>d. prohibiting clearing of native vegetation and requiring park dedication at time of subdivision or development, of the area shown as 'P-3 Nature Park' in Attachment C of the April 19, 2022 staff report;</p> <p>e. prohibiting clearing of mature trees and requiring park dedication at time of subdivision or development, of the area shown as 'P-2 Park and Recreation' in Attachment C of the April 19, 2022 report to Council;</p> <p>f. the provision of an on-street parking area adjacent to the area shown as 'P-2 Park and Recreation' in Attachment C of the April 19, 2022 staff report at time of subdivision or road dedication;</p> <p>g. prohibiting the planting or proliferation of invasive plants on the subject property;</p> <p>h. prohibiting non-native landscaping within the Arbutus Hump ESA Development Permit Area;</p> <p>i. prohibiting clearing of mature trees, outside of dedicated road right of ways, within:</p> <p>i. 20 metres of the northern property line; and</p> <p>ii. 30 metres of the eastern property line;</p> <p>unless a tree preservation plan is prepared by a qualified professional;</p> <p>j. dedicating a multi-use pathway and emergency vehicle access/egress through the subject property for the purposes of connecting lands beyond to west of the subject property;</p> <p>k. requiring a privately owned and operated stormwater, sewer and water supply system for all development above 130m geodetic elevation;</p> <p>l. requiring development of the site to adhere to the applicable requirements outlined in covenant CA6857592;</p> <p>m. requiring, upon request by the Town, the developer to provide a 4,200 square meter portion of fee-simple land for a water reservoir, within the area described in the April 19, 2022 staff report;</p> <p>m. requiring development on site to adhere to the recommendations of the Wildfire Hazard Assessment, in Attachment D of the April 19, 2022 report to Council; and</p> <p>7. Direct staff to schedule a Public Hearing for Bylaw Nos. 2106 and 2107, 30 days after the applicant has held a neighbourhood information meeting pursuant to section 7(a) of "Town of Ladysmith Development Procedures Bylaw 2008, No. 1667" and section 464 of the Local Government Act</p>

INTRODUCTION/BACKGROUND:

Council first considered the proposed OCP/Zoning amendments at its Regular Meeting held April 19, 2022. The subject property and development proposal are described in detail in the corresponding staff report. A neighbourhood information meeting was held on June 23, 2022 and a Public Hearing was held on August 2, 2022. Following the Public Hearing Council directed that the application be referred back to staff and the applicant to discuss:

Figure 1: Additional area for purchase and amended zoning



1. Changing the proposed zoning to allow duplexes on the subject property in areas proposed to be zoned R-1-B;
2. Changing the proposed zoning to require commercial uses on all C-1 zoned lots;
3. The acquisition and/or protection of the portion of the red-listed Douglas-fir/Arbutus ecosystem that was not designated in the proposal as park (shown in green crosshatching in Figure 1); and
4. A condition that all construction on the subject property meets Step 2 or higher of the BC Energy Step Code.

Staff met with the developer following Council's decision. The developer agreed to the zoning changes and condition to build to Step 2 of the Step Code. For the parkland acquisition, the developer indicated they are willing to sell the additional red-listed area, but expressed concern about the time required to negotiate a purchase price (which would require 1-3 months to complete appraisals). Additionally, if the appraised value were to exceed monies available in the Town's Park/Property Acquisition funds, an immediate sale condition may mean the Town would be unable to purchase the additional red-listed area.

Fortunately, the developer's time horizon for developing the additional red-listed area is 3-5 years, creating a mutually beneficial purchase timeframe that expands options for the Town's acquisition and allows the developer to obtain final approval within the next 1-3 months. With this in mind, staff and the developer have agreed to an "option to purchase" condition, described below.

PROPOSAL:

Changes to the proposed zoning: Duplexes, Multi-Unit and Density Transfer

Bylaw No. 2107 (Attachment B) has been amended to effectively create a “hybrid zone” through site-specific changes to the R-1-C zone. The proposed changes allow the residential portion of the “lower bench” area to be developed as R-1-B, R-1-C, or R-3-A (which allows duplexes, townhouse and multi-family uses) or a combination thereof.

A “density transfer” regulation (which is technically a density benefit regulation pursuant to section 482 of the *Local Government Act*) has been added to allow more units on the residential portion of the lower bench if the entire red-listed area is protected (i.e. units can be “transferred” out of the red listed area). The proposed changes allow a maximum of lot/unit count (excluding secondary suites and coach houses) of 200 on the lower bench if the entire red-listed area is dedicated as park. If only a portion of the red-listed area is dedicated the max lot/unit count is 125. These unit limits are based on the original proposal, with slight increases to provide additional flexibility.

Bylaw No. 2106 (Attachment A) has also been amended so as to apply the Multi-family DPA designation to the residential portion of the lower bench. If approved, a development permit will be required to develop multi-family units in this area. A development permit will not be required for single-family or duplex developments¹.

Mandatory Commercial in C-1 Zone

Bylaw No. 2107 has been amended to add a site-specific regulation that prohibits single-unit dwellings as a principal use in areas zoned C-1 but allows them as an accessory use. This means that C-1 zoned portions of the property can only have a single-family dwelling if the property also has a commercial use. Similarly, “Dwelling Unit” has been added as a site-specific, permitted accessory use, allowing dwelling units to be located above a commercial use in the C-1 zone.

Condition requiring Step Code 2 or higher

The developer has agreed to construct to a minimum of Step 2 of the BC Energy Step Code and staff are recommending that this condition be secured through a restrictive covenant.

Acquisition/protection of additional red-listed area

The applicant has agreed to an option to purchase, whereby the Town can purchase the additional red-listed area (shown in green crosshatching in figure 1), at fair market value², prior to, or at time of subdivision and/or development. The applicant has also agreed to a requirement that the value of the land be based on R-1 zoning, rather than the R-1-A and R-3 zoning proposed in Bylaw No. 2107. Staff believe that the Town will be able to finance the property purchase by leveraging its sizable parks and property acquisition reserves, and external funding sources. Additionally, if the developer is willing to sell the property at less than

¹ Bylaw No. 2070 was adopted by Council on April 20, 2021 and amended the OCP to exempt duplexes and single-family within DPA 4 from the requirement to obtain a development permit.

² To be determined by a licensed appraiser, using generally accepted appraisal methodologies.

market value, steps can be taken to maximize the developer's eligibility for tax incentives under ecological gifts programs. Funding strategies are explained in greater detail under 'Financial Implications'

DISCUSSION:

Staff believe that Council's direction under Resolution CS 2022-189 has been met with the proposed zoning changes and covenant conditions.

The option to purchase provides the Town with the best chance of acquiring the additional red-listed area. It does not delay the developer's proposal, provides time to assess the value of the land and, if necessary, time for the Town to reallocate and/or acquire funds to cover the purchase cost.

The Town has sizable Park Acquisition reserves as well as other assets and funding powers that can be leveraged to fund the acquisition. As part of a larger red-listed ecosystem and broader protection and restoration plans already underway, a purchase of the additional red-listed area is expected to be an ideal candidate for Federal, Provincial or not-for-profit conservation funding programs. In short, a committed, holistic effort to protect Arbutus Hump will in turn position the Town to receive external funding for that purpose.

Overall, the recommended changes to the proposed zoning and OCP regulations achieve Council's desired direction for the development proposal and the recommended option to purchase will maximize the chances of the Town being able to acquire, protect and even expand a red-listed ecosystem and establish a sizable new park of major ecological, recreational and aesthetic significance. Staff recommended approving the proposal as presented in this report.

ALTERNATIVES:

Council can choose to:

1. Deny "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.48) 2022, No. 2107".
2. Give third reading to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.48) 2022, No. 2107" as originally drafted.
3. Make further amendments to the proposed bylaw(s) and/or conditions of approval.
4. Refer the proposed bylaws back to staff and/or the applicant for further review, as specified by Council.

FINANCIAL IMPLICATIONS:

No obligation to purchase

The proposed option to purchase is not an *obligation* to purchase and does not create a financial liability. The Town can elect not to purchase the additional red-listed area if available funds are insufficient or for any other reason. If the Town does not exercise its option to

purchase prior to development, the option to purchase will dissolve when the additional red-listed area is developed.

Value of additional red-listed area

The additional red-listed area has not yet been appraised. To properly determine fair market value, development potential must be evaluated but also the capital costs of bringing units to market (e.g. infrastructure, earthworks, etc.). Should Council approve the proposal, staff intend to include appraisal costs in the 2023 budget so the current value of the additional red-listed area can be determined and form the basis of a funding strategy.

Zoning has a direct effect on land value (e.g. zoning that allows more units tends to increase land value and vice versa). Staff note that the proposed zoning for the additional red-listed area more than doubles the maximum permitted number of residential units compared to the existing R-1 zoning³. Council has no obligation to approve a rezoning proposal and, in theory, approving the proposed zoning increases the value of land the Town may later be purchasing with public funds.

Additionally, the density transfer option built into the proposed zoning amendments, entitles the developer to replace “lost” units if the additional red-listed area is sold by moving them to the lower bench. For the above reasons, staff are recommending that the option to purchase agreement specify that the land value must be based on the existing R-1 zoning, rather than the actual zoning (which will be R3 and R-1-A if the proposal is approved). The developer has agreed to this appraisal condition.

There is a possibility that the proposed R-3/R-1-A zoning for the additional red-listed area may result in a lower appraised value than R-1 zoning⁴ or that the density transfer option may not be practical given project timing or site conditions. Council has the option to modify the appraisal condition (see Alternative 3) or defer consideration of the proposal to obtain a formal appraisal (see Alternative 4).

Funding sources for purchase

A number of internal and external funding sources may be available to purchase the additional red-listed area. The Town currently has substantial reserves that can only be used for parkland acquisition and additional reserves that must be used for property acquisition. These reserves fluctuate as the Town purchases and sells land and as new funds are deposited through legislated payments (e.g. parks DCC's or cash-in-lieu of parkland from subdivisions).

³ Under R-1 zoning, the additional red-listed area can be subdivided into a maximum of 52 single family lots. Under the proposed R-3/R-1-A zoning, the additional red-listed area can be developed/subdivided into a maximum of 52 multifamily units and 57 single-family lots. Note the maximum number of lot/units is not the same as the *actual* number of lots/units that can be built after infrastructure requirements and site conditions are accounted for, however the values are typically proportional.

⁴ e.g. if the servicing costs are substantially higher, or if there is less market for the type of units proposed

Should existing Property Acquisition reserves be insufficient, staff believe these funds and additional conservation efforts that are already underway can be leveraged to secure external funding sources. The red-listed ecosystem extends beyond the boundaries of the subject property to lands to the south and is under threat from a large invasive plant infestation. As part of another rezoning proposal, staff are currently working with another developer to acquire additional lands within, and adjacent to, the red-listed ecosystem. If these efforts are successful, and the option to purchase is fulfilled, almost 100% of the red-listed ecosystem occurrence is likely to be protected parkland, and it may even be possible to expand the red-listed ecosystem occurrence by as much as 30%. These additional protection efforts increase the possibility that the Town will be eligible for external funding.

Additionally, an option to purchase allows the developer to sell the land at less than market value and there can be substantial tax benefits of doing so. Staff will work with the Town's lawyer to structure the option to purchase agreement to maximize the developer's chances of receiving tax credits under the Government of Canada's Ecological Gift Program⁵ (or similar programs that may be available in the future).

In short, if additional funds are needed for the purchase, staff expect that with the ecological significance of the area and concerted conservation efforts already in the works, the Town will be well-positioned to secure them.

LEGAL IMPLICATIONS:

A second Public Hearing is required for two reasons: 1) Section 470(1)(b) of the *Local Government Act* requires a second public hearing because of the proposed changes to land use and density; and 2) the material change to the proposal and new information received by Council triggers a common law requirement for a second Public Hearing.

The Town's lawyer has advised that the option to purchase agreement should contain a plan prepared by a surveyor to eliminate potential ambiguity as to what lands are available for purchase and park dedication. If the proposal is given third reading, the applicant will prepare the survey plan at their cost.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

A second public hearing is required (see 'Legal Implications'). At this time, staff do not recommend undertaking any additional public engagement.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

See the April 19, 2022 Staff Report.

INTERGOVERNMENTAL INVOLVEMENT/IMPLICATIONS:

See the April 19, 2022 Staff Report.

⁵ For more information on the Ecological Gifts Program see: <https://www.canada.ca/en/environment-climate-change/services/environmental-funding/ecological-gifts-program/overview.html>

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Complete Community Land Use | <input checked="" type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input checked="" type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input checked="" type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|---|
| <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Economy |
| <input checked="" type="checkbox"/> Community | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront | |

I approve the report and recommendations.

Allison McCarrick, Chief Administrative Officer

ATTACHMENTS:

- A. Amended version of Bylaw No. 2106
- B. Amended version of Bylaw No. 2107

TOWN OF LADYSMITH

BYLAW NO. 2106

A Bylaw to amend “Official Community Plan Bylaw 2003, No. 1488”

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to “Official Community Plan Bylaw 2003, No. 1488”:

1. Amend Section 7.0 of ‘Schedule C (Holland Creek Area Plan)’ by deleting the following sentence:

“Estate lots may be appropriate to limit development in environmentally sensitive areas or on steep slopes.”

2. Amend Section 7.2 of ‘Schedule C (Holland Creek Area Plan)’ by deleting the Policy 7.2.7 and renumbering subsequent policies accordingly.

3. Amend DPA 11 | Arbutus Hump ESA of Schedule A.1-Development Permit Areas Guidelines by adding the following as Guideline 1:

“All development in DPA 11 and reports required under these development permit guidelines should be prepared in accordance with ‘Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia’ published by the Province of British Columbia”

and renumbering subsequent guidelines accordingly.

4. Amend Map 2 – Development Permit Areas, by adding a portion of Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) to:

- a. “DPA 4 – Multi-Unit Residential”;
- b. “DPA 3 – Commercial”; and
- c. “DPA 10 – Coach House Intensive Residential”

as shown in Schedule 1, which is attached to and forms part of this Bylaw.

5. Amend Map 2 – Development Permit Areas, by expanding “DPA 11 – Arbutus Hump ESA” as shown in Schedule 2, which is attached to and forms part of this Bylaw.

6. Amend 'Map 3 – Land Use', in 'Schedule C (Holland Creek Area Plan)', by changing the land use designation for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) from the "Single-Family ", "Estate Residential" and "Park and Open Space" designation to:
- "Single-Family;
 - "Multi-Family";
 - "Neighbourhood Commercial" and
 - "Park and Open Space"

as shown in Schedule 3 which is attached to and forms part of this Bylaw.

Citation

7. This Bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106".

READ A FIRST TIME on the 19th day of April, 2022

READ A SECOND TIME on the 19th day of April, 2022

PUBLIC HEARING HELD on the 2nd day of August, 2022

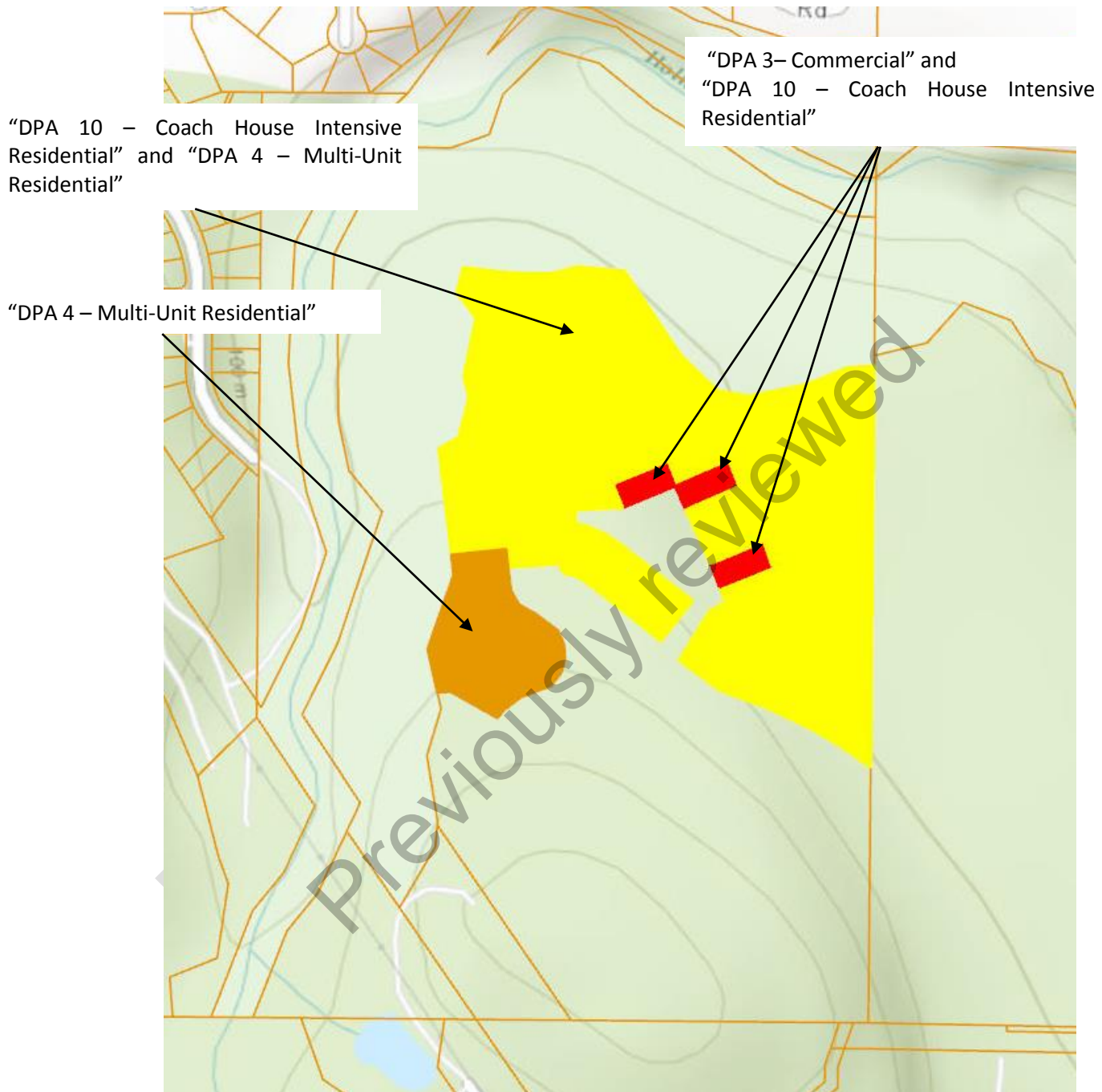
READ A THIRD TIME on the _____ day of _____, 2022

ADOPTED on the _____ day of _____, 2022

Mayor (A. Stone)

Corporate Officer (D. Smith)

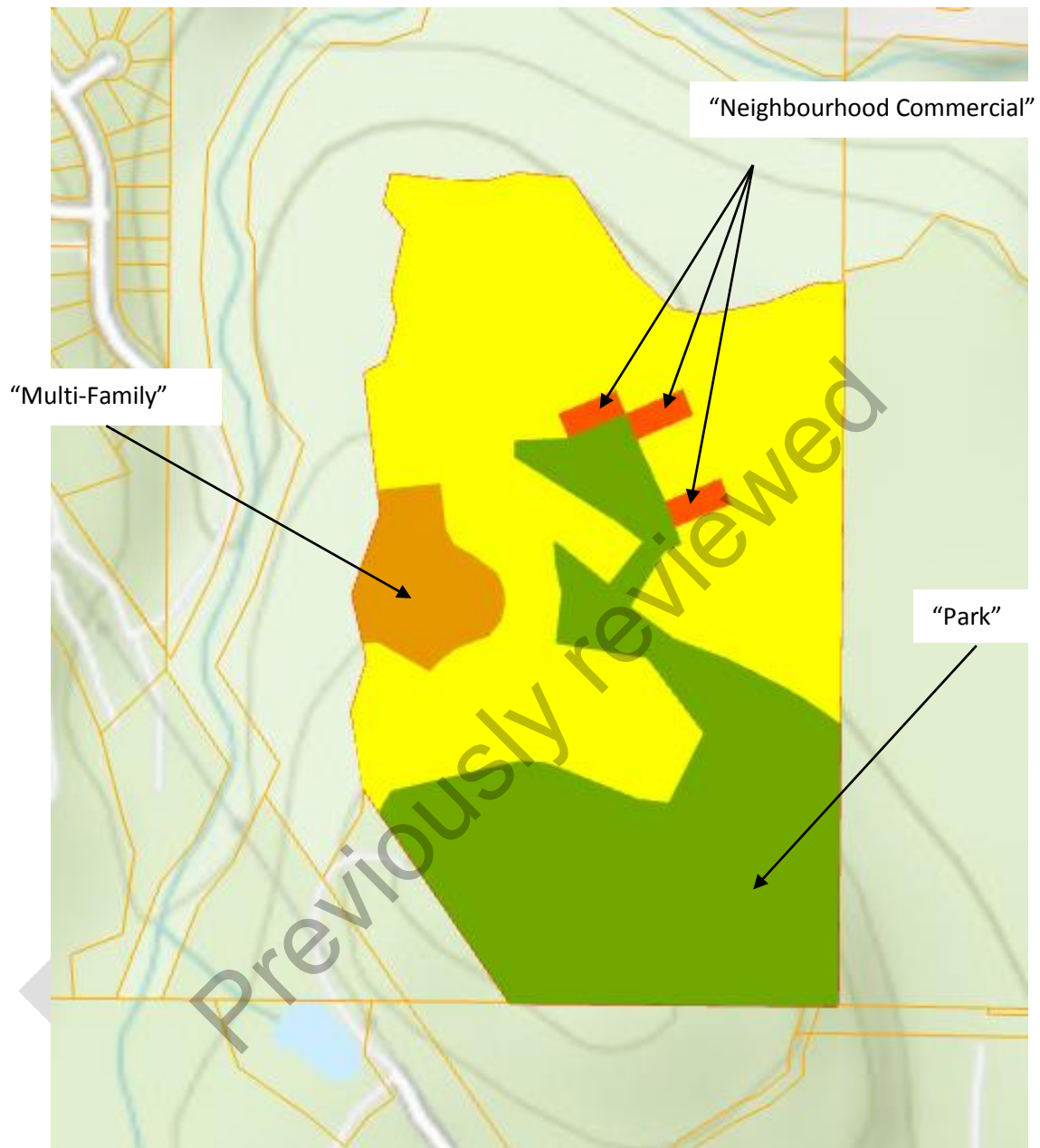
Schedule 1



Schedule 2



Schedule 3



TOWN OF LADYSMITH

BYLAW NO. 2107

A Bylaw to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860"

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to "Town of Ladysmith Zoning Bylaw 2014, No. 1860":

1. Amend section 10.5.4(a) to read as follows:

"a) On parcels with a *Frontage* less than 12.9 meters and a *Parcel Area* less than 372 square meters, no Single Unit Dwelling shall have a Finished Floor Area that is greater than 121 square metres."

2. Amend section 10.5.5(c) to change the text in the second row of the setback table to:

<u>Parcel Line</u>	<u>Minimum Setback</u>
<u><i>Interior or Exterior Side Parcel Line</i></u>	<u>0.6 metres to one Parcel Line and 1.2 metres to</u>
<u>All other parcels</u>	<u>the other Parcel Line</u>

3. Insert as section 10.5.5 (d) the following:

"Notwithstanding subsection c), where a parcel meets the minimum *Frontage* and *Parcel Area* requirements of the R-1-B zone, the setback provisions of the R-1-B zone shall apply."
and renumber subsequent sections accordingly.

1.4. Add as section 7 of part 10.5 (Single Dwelling Residential – Small Lot C Zone (R-1-C)) the following, under the heading "Site Specific Regulations":

"a) for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) in the R-1-C Zone: when a *Parcel* is located on a *Lane*:

i. *Secondary Suite*, is a permitted *Accessory Use*, subject to Part 6, section 6.4; and

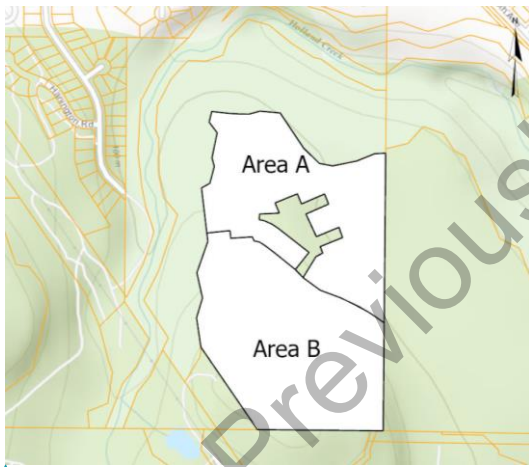
ii. *Coach House Dwelling* is a permitted *Accessory Use*, provided it is located on a *Parcel* that is 300 square metres or greater and subject to Part 6, subsections 6.5(b) and 6.5(c)".

b) for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) in the R-1-C Zone in addition to the permitted uses under sections 10.5.1 and 10.5.2, the Principal and Accessory Uses of the R-3-A zone are permitted in Area A in figure 10.5.2 and shall be subject to the regulations of the R-3-A zone.

c) for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) in the R-1-C ZoneAs as a density benefit pursuant to section 482 of the *Local Government Act* and notwithstanding sections 10.5.3(a), 10.5.7(b) and 10.11.4(c), the maximum number *Dwelling Units*, excluding *Secondary Suites* and *Coach House Dwellings*, permitted in Area A in figure 10.5.2 shall be either:

- i. 200 units, where the entire area shown as Area B in figure 10.5.2 has been provided to the Town for park dedication pursuant to section 29 or section 30 of the *Community Charter*; or
- ii. 125 units where only a portion of, or none of, the area shown as Area B in figure 10.5.2 has been provided to the Town for park dedication pursuant to section 29 or section 30 of the *Community Charter*

Figure 10.5.2: Density Benefit Area for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660)



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2.5. Add as subsection (c) to section 8 (Site Specific Regulations) of Part 10.10 (Medium Density Residential (R-3)) the following:

"c) Notwithstanding subsection 1, *Townhouse Dwelling* is the only permitted use in the R-3 zone on Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660)".

3.6. Add as subsections (b), (c) -and (d) to section 9 (Site Specific Regulations) of Part 11.1 (Local Commercial (C-1)) the following:

"b) for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660), when a parcel is located on a *Lane*:

i. Coach House Dwelling is a permitted *Accessory Use* in the C-1 Zone, provided it is located on *Parcel* that is 460 square metres or greater and subject to Part 6, subsections 6.5(b) and 6.5(c)"

ii. The minimum *Parcel Area* is 460 square meters and the minimum *Parcel Frontage* is 13.5 metres.

c) Notwithstanding section 11.1.1(a), on Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) *Single Unit Dwelling* is not a permitted *Principal use* in the C-1 zone.

d) In addition to the accessory uses listed in section 11.1.2, on Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660):

ii. *Dwelling Unit* is a permitted *accessory use*; and

ii. *Single Unit Dwelling* is a permitted *accessory use*.

4.7. Amend 'Schedule B – Zoning Bylaw Map' to rezone Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) from Single Dwelling Residential to:

a) "Medium-Density Residential (R-3)";

~~b)~~ "Single Dwelling Residential – Small Lot A Zone (R-1-A)";

~~c)b)~~ "Single Dwelling Residential – Small Lot B Zone (R-1-B)";

~~d)c)~~ "Single Dwelling Residential – Small Lot C Zone (R-1-C)"

~~e)d)~~ "Nature Park (P-3)";

~~f)e)~~ "Park and Recreation (P-2)"; and

~~g)f)~~ "Local Commercial (C-1)";

as shown in Schedule 1, which is attached to and forms part of this Bylaw.

Citation

8. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107".

READ A FIRST TIME on the 19th day of April, 2022

READ A SECOND TIME on the on the 19th day of April, 2022

PUBLIC HEARING HELD on the 2nd day of August, 2022

READ A THIRD TIME on the _____ day of _____, 2022

ADOPTED on the _____ day of _____, 2022

Mayor (A. Stone)

Corporate Officer (D. Smith)

Schedule 1



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TOWN OF LADYSMITH

BYLAW NO. 2106

A Bylaw to amend “Official Community Plan Bylaw 2003, No. 1488”

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to “Official Community Plan Bylaw 2003, No. 1488”:

1. Amend Section 7.0 of ‘Schedule C (Holland Creek Area Plan)’ by deleting the following sentence:

“Estate lots may be appropriate to limit development in environmentally sensitive areas or on steep slopes.”

2. Amend Section 7.2 of ‘Schedule C (Holland Creek Area Plan)’ by deleting the Policy 7.2.7 and renumbering subsequent policies accordingly.

3. Amend DPA 11 | Arbutus Hump ESA of Schedule A.1-Development Permit Areas Guidelines by adding the following as Guideline 1:

“All development in DPA 11 and reports required under these development permit guidelines should be prepared in accordance with ‘Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia’ published by the Province of British Columbia”

and renumbering subsequent guidelines accordingly.

4. Amend Map 2 – Development Permit Areas, by adding a portion of Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) to:

- a. “DPA 4 – Multi-Unit Residential”;
- b. “DPA 3 – Commercial”; and
- c. “DPA 10 – Coach House Intensive Residential”

as shown in Schedule 1, which is attached to and forms part of this Bylaw.

5. Amend Map 2 – Development Permit Areas, by expanding “DPA 11 – Arbutus Hump ESA” as shown in Schedule 2, which is attached to and forms part of this Bylaw.

6. Amend 'Map 3 – Land Use', in 'Schedule C (Holland Creek Area Plan)', by changing the land use designation for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) from the "Single-Family ", "Estate Residential" and "Park and Open Space" designation to:
 - a. "Single-Family;
 - b. "Multi-Family";
 - c. "Neighbourhood Commercial" and
 - d. "Park and Open Space"

as shown in Schedule 3 which is attached to and forms part of this Bylaw.

Citation

7. This Bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106".

READ A FIRST TIME on the 19th day of April, 2022

READ A SECOND TIME on the on the 19th day of April, 2022

PUBLIC HEARING HELD on the 2nd day of August, 2022

SECOND READING RESCINDED on the 6th day of September, 2022

READ A SECOND TIME AS AMENDED on the 6th day of September, 2022

PUBLIC HEARING HELD on the 20th day of September, 2022

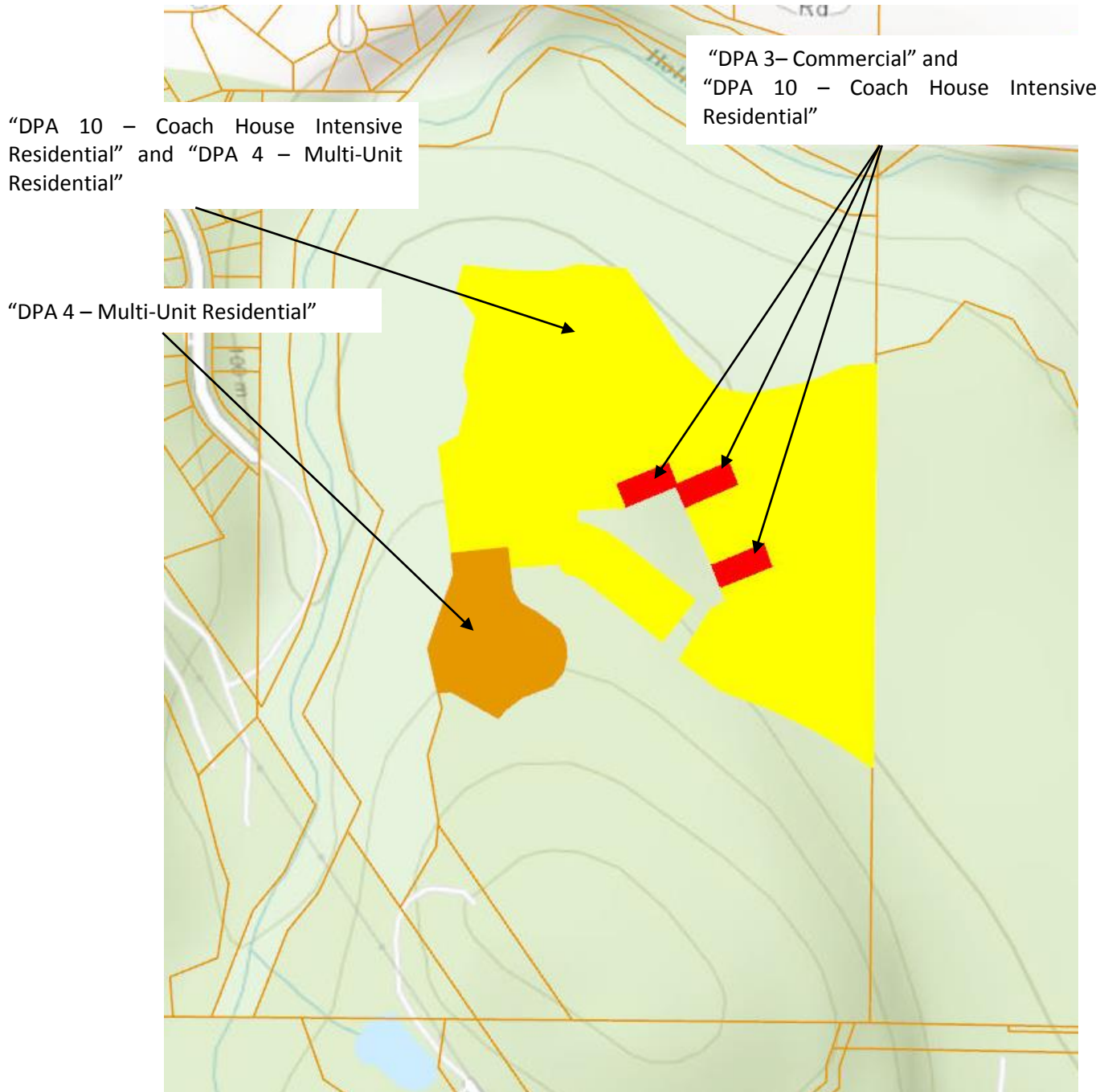
READ A THIRD TIME on the 20th day of September, 2022

ADOPTED on the _____ day of _____, 2023

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

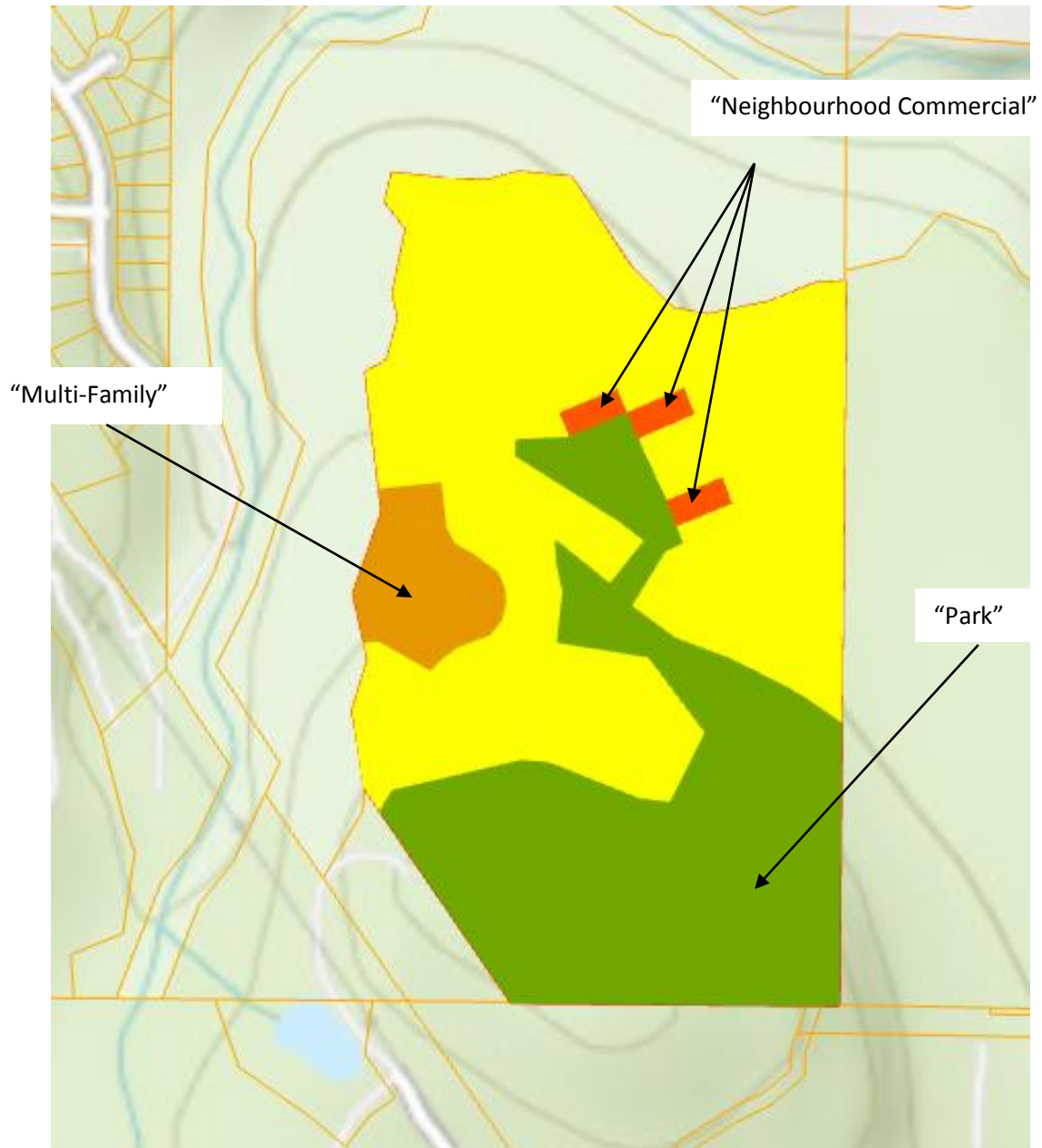
Schedule 1



Schedule 2



Schedule 3



TOWN OF LADYSMITH

BYLAW NO. 2107

A Bylaw to amend “Town of Ladysmith Zoning Bylaw 2014, No. 1860”

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to “Town of Ladysmith Zoning Bylaw 2014, No. 1860”:

1. Amend section 10.5.4(a) to read as follows:

“a) On parcels with a *Frontage* less than 12.9 meters and a *Parcel Area* less than 372 square meters, no Single Unit Dwelling shall have a Finished Floor Area that is greater than 121 square metres.”

2. Amend section 10.5.5(c) to change the text in the second row of the setback table to:

Parcel Line	Minimum Setback
<i>Interior or Exterior Side Parcel Line</i>	0.6 metres to one Parcel Line and 1.2 metres to the other Parcel Line
All other parcels	

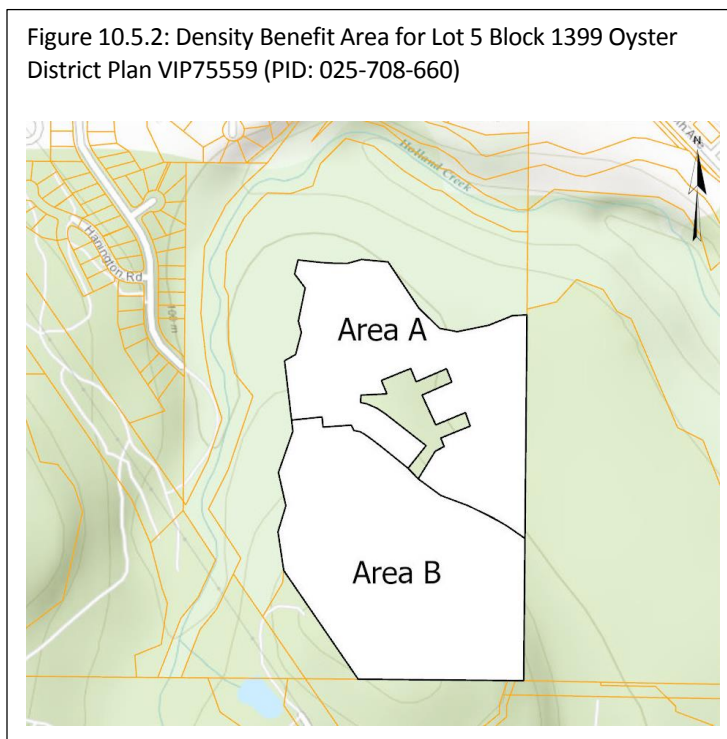
3. Insert as section 10.5.5 (d) the following:
“Notwithstanding subsection c), where a parcel meets the minimum *Frontage* and *Parcel Area* requirements of the R-1-B zone, the setback provisions of the R-1-B zone shall apply.”
and renumber subsequent sections accordingly.
4. Add as section 7 of part 10.5 (Single Dwelling Residential – Small Lot C Zone (R-1-C)) the following, under the heading “Site Specific Regulations”:

“a) for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) in the R-1-C Zone: when a *Parcel* is located on a *Lane*:

- i. *Secondary Suite*, is a permitted *Accessory Use*, subject to Part 6, section 6.4; and
- ii. *Coach House Dwelling* is a permitted *Accessory Use*, provided it is located on a *Parcel* that is 300 square metres or greater and subject to Part 6, subsections 6.5(b) and 6.5(c)”.

- b) for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) in the R-1-C Zone in addition to the permitted uses under sections 10.5.1 and 10.5.2, the Principal and Accessory Uses of the R-3-A zone are permitted in Area A in figure 10.5.2 and shall be subject to the regulations of the R-3-A zone.

- c) for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) in the R-1-C Zone as a density benefit pursuant to section 482 of the *Local Government Act* and notwithstanding sections 10.5.3(a), 10.5.7(b) and 10.11.4(c), the maximum number *Dwelling Units*, excluding *Secondary Suites* and *Coach House Dwellings*, permitted in Area A in figure 10.5.2 shall be either:
 - i. 200 units, where the entire area shown as Area B in figure 10.5.2 has been provided to the Town for park dedication pursuant to section 29 or section 30 of the *Community Charter*; or
 - ii. 125 units where only a portion of, or none of, the area shown as Area B in figure 10.5.2 has been provided to the Town for park dedication pursuant to section 29 or section 30 of the *Community Charter*



- 5. Add as subsection (c) to section 8 (Site Specific Regulations) of Part 10.10 (Medium Density Residential (R-3)) the following:

"c) Notwithstanding subsection 1, *Townhouse Dwelling* is the only permitted use in the R-3 zone on Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660)".

6. Add as subsections (b), (c) and (d) to section 9 (Site Specific Regulations) of Part 11.1 (Local Commercial (C-1)) the following:

"b) for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660), when a parcel is located on a *Lane*:

- i. *Coach House Dwelling* is a permitted *Accessory Use* in the C-1 Zone, provided it is located on *Parcel* that is 460 square metres or greater and subject to Part 6, subsections 6.5(b) and 6.5(c)"
- ii. The minimum *Parcel Area* is 460 square meters and the minimum *Parcel Frontage* is 13.5 metres.

c) Notwithstanding section 11.1.1(a), on Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) *Single Unit Dwelling* is not a permitted *Principal use* in the C-1 zone.

d) In addition to the accessory uses listed in section 11.1.2, on Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660):

- i. *Dwelling Unit* is a permitted *accessory use*; and
- ii. *Single Unit Dwelling* is a permitted *accessory use*.

7. Amend 'Schedule B – Zoning Bylaw Map' to rezone Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) from Single Dwelling Residential to:

- a) "Medium-Density Residential (R-3)";
- b) "Single Dwelling Residential – Small Lot A Zone (R-1-A)";
- c) "Single Dwelling Residential – Small Lot C Zone (R-1-C)"
- d) "Nature Park (P-3)";
- e) "Park and Recreation (P-2)"; and
- f) "Local Commercial (C-1)";

as shown in Schedule 1, which is attached to and forms part of this Bylaw.

Citation

8. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107".

READ A FIRST TIME on the 19th day of April, 2022

READ A SECOND TIME on the on the 19th day of April, 2022

PUBLIC HEARING HELD on the 2nd day of August, 2022

SECOND READING RESCINDED on the 6th day of September, 2022

READ A SECOND TIME AS AMENDED on the 6th day of September, 2022

PUBLIC HEARING HELD on the 20th day of September, 2022

READ A THIRD TIME on the 20th day of September, 2022

ADOPTED on the _____ day of _____, 2023

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

Schedule 1



BYLAW STATUS SHEET
August 1, 2023

Bylaw #	Description	Status
2106	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106". Amends land use and Development Permit Areas at Lot 5, Holland Creek.	First and second readings, April 19, 2022. Public Hearing held August 2, 2022. Second reading rescinded, September 6, 2022. Second public hearing and third reading September 20, 2022.
2107	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107". Includes secondary suites, coach house dwellings and townhouse dwellings at Lot 5, Holland Creek.	First and second readings, April 19, 2022. Public Hearing held August 2, 2022. Second reading rescinded, September 6, 2022. Second public hearing and third reading September 20, 2022.
2130	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 73) 2022, No. 2130" (10940 Westdowne Rd.) Changes the OCP designation from single family to Mobile Home Park residential.	First and second readings, December 20, 2022. Public Hearing required. MOTI approval required.
2131	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 54) 2022, No. 2131" (10940 Westdowne Rd.) Changes zoning from Rural Residential (RU-1) to Manufactured Home Park (MHP-1).	First and second readings, December 20, 2022. Public Hearing required. MOTI approval required.
2133	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 56) 2023, No. 2133". Allows convenience store at 1132-1142 Rocky Creek Rd.	First and second readings, January 10, 2023. Public Hearing required. MOTI approval required.
2146	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2146". To permit a secondary suite at 624 John Wilson Place.	First and second readings, June 20, 2023. Public Hearing scheduled for August 1, 2023.
2153	"Council Procedure Bylaw 2009, No. 1666, Amendment Bylaw 2023, No. 2153". Updates to Question Period procedures.	First, second and third readings, July 18, 2023. Public Notice required.